

GB4

Office of the President

TO MEMBERS OF THE COMMITTEE ON GROUNDS AND BUILDINGS:

ACTION ITEM

For Meeting of May 14, 2014

ADOPTION OF THE LONG RANGE DEVELOPMENT PLAN PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ACCEPTANCE OF THE PHYSICAL DESIGN FRAMEWORK, RICHMOND BAY CAMPUS, BERKELEY CAMPUS

EXECUTIVE SUMMARY

The University currently owns 195.8 acres of land in the City of Richmond, California comprising the Richmond Field Station property (110.1 acres), the 3200 Regatta property (24 acres), and undevelopable water parcels (61.7 acres). The campus requests that the Regents name the property the Richmond Bay Campus (RBC), adopt a Long Range Development Plan (LRDP) to guide the physical development of a research and development campus on the developable 134.1 acres, and accept the Physical Design Framework for the RBC.

The proposed LRDP for the RBC indicates the allocation of approximately 5.4 million gross square feet (gsf) of research and development space on the site. The two proposed land use designations are *Research, Education and Support* and *Natural Open Space* as shown in the Land Use Plan from the LRDP included herein as Figure 1. The RBC would accommodate UC Berkeley and Lawrence Berkeley National Laboratory (LBNL) research growth efforts focused on energy, the environment, health sciences, and the global economy; facilitate research partnerships with industry; and provide opportunities to leverage University goals with private sector research tenants.

Both the UC Berkeley and LBNL campuses have limited locations for development of further research space on the scale that would attract top talent researchers to new programs that would be partnered with private industry to enhance the transfer of technological innovation.

The proposed Richmond Bay Campus Physical Design Framework would establish planning and design principles and guidelines that will be applicable to all capital projects.

The Regents are being asked to: certify the Environmental Impact Report, and related documents pursuant to the California Environmental Quality Act; change the name of the facility to Richmond Bay Campus; adopt the Long Range Development Plan; and accept the Physical Design Framework.

RECOMMENDATION

1. The President of the University recommends that, upon review and consideration of the environmental consequences of the proposed Long Range Development Plan (LRDP) as evaluated in the Final Environmental Impact Report (FEIR), the Committee on Grounds and Buildings:
 - A. Certify the FEIR analyzing the 2014 LRDP for the Richmond Bay Campus.
 - B. Adopt the Mitigation Monitoring Program for the FEIR.
 - C. Adopt the Findings and Statement of Overriding Considerations.

2. The President recommends that the Committee on Grounds and Buildings recommend that the Regents:
 - A. Change the name from Richmond Field Station and Regatta property to Richmond Bay Campus.
 - B. Approve the 2014 Long Range Development Plan, Richmond Bay Campus.
 - C. Accept the Physical Design Framework, Richmond Bay Campus.

BACKGROUND

Overview of the 2014 Long Range Development Plan

The Berkeley campus proposes to establish a new research campus – the Richmond Bay Campus (RBC) – on the site of the Richmond Field Station and nearby Regatta property owned by the University of California within the City of Richmond, California. Development of the RBC would be administered by UC Berkeley to serve UC Berkeley and Lawrence Berkeley National Laboratory (LBNL) research needs, as well as to provide the opportunity to accommodate private sector entities and public/private research partnerships that are synergistic with UC Berkeley and/or LBNL research. UC Berkeley and LBNL have collaborated in the preparation of the RBC 2014 Long Range Development Plan (LRDP), which describes the overarching goals and strategies to guide the long-term development of the RBC through the year 2050. The LRDP describes the scientific vision for the RBC to become a nexus of applied research and public/private partnerships; estimates the amounts and types of new building space to achieve those goals; and articulates key planning principles to guide implementation of the LRDP. The Land Use Diagram from the LRDP is included as Attachment 1.

The three primary themes of the LRDP are: the need to advance UC Berkeley's and LBNL's tradition of world-class science and a strong partnership; the need to create a premiere research campus focused in the fields of energy, the environment, human health and the economy; and the

need to catalyze new discoveries and engage with private industry to bring these discoveries to the market.

The LRDP articulates the vision and the framework against which individual projects will be evaluated. There are nine principles for achieving the vision to make the RBC an inspirational, accessible, and sustainable place to perform world-class science.

The LRDP does not constitute a commitment to any specific project, construction schedule, or capital funding request. As subsequent projects under the LRDP are proposed, they would be evaluated to determine if their impacts have been adequately addressed in the LRDP Environmental Impact Report (EIR). If not, additional environmental documentation would be prepared, as required by the California Environmental Quality Act (CEQA).

The LRDP proposes a major new campus site on 134.1 acres of land to accommodate approximately 5.4 million gross square feet (gsf) of research and development office/laboratory space and supporting facilities, and up to 5,940 parking spaces in structured garages. It is projected that 650,000 gsf of existing facilities would remain on site and thus 4.75 million gsf of net new capacity is planned to be developed.

The new development envisioned in the LRDP would: (1) accommodate UC Berkeley's long-term goals to expand its research and development activities; (2) accommodate LBNL's stated need for up to 2 million gsf of research and operational facilities to accommodate consolidation and expansion of programs; and (3) provide space to house programs from synergistic public and private entities compatible with UC Berkeley's and/or LBNL's mission. All development would occur incrementally as financially feasible opportunities arise.

History of the Richmond Bay Campus

In 1950, UC Berkeley purchased (and still administers) the parcels in Richmond, California that became the Richmond Field Station to facilitate large-scale research conducted by faculty and students in the College of Engineering. The property currently accommodates a wide range of research and resource conservation activities.

Since the mid-1980s UC Berkeley has explored ways to broaden and intensify usage of the property including drafting a master plan in 1993, which was never formally adopted. In 2002, a committee of faculty and staff convened to identify potential future programs for the site and establish a set of principles for its development. The study concluded that UC Berkeley's Richmond property is "the principal land resource available to the UC Berkeley campus to help meet its long-range demand for additional research space."

In 2007, the University acquired the 3200 Regatta property adjacent to the Richmond Field Station, and that site is also administered by UC Berkeley. The warehouse building on this parcel currently houses the UC Berkeley museum and research collections as well as privately leased space.

In 2010, LBNL Director Alivisatos announced an initiative to expand existing and future programs on a second LBNL campus. In November 2010, possible real estate acquisition was discussed with the Committee on Finance and Committee on Oversight of DOE Labs. In January 2011, LBNL issued a Request for Qualifications to identify a short list of properties that could best accommodate up to 2 million gsf of research and operational facilities and house programs for synergistic public and private entities compatible with LBNL's mission.

In January 2012, LBNL identified its preference for accommodating LBNL expansion on the site of the Richmond Field Station and nearby Regatta property in Richmond, California. While planning for redevelopment of the Richmond Field Station, the campus and LBNL realized that there were significant research synergies and opportunities for combined research, and decided to expand the planning to include projected space needs of both the campus and LBNL, as well as enabling potential space for related private research. In acknowledgement of this new identity, the campus and LBNL have used the name "Richmond Bay Campus" and are recommending the Regents officially make this name change.

2014 LRDP Campus Goals and Program

UC Berkeley and LBNL's scientific vision for the RBC is described on page 3.2 of the LRDP and summarized in this section. The research focus areas for RBC are: energy, the environment, health, and the global economy. The local community envisions the RBC as the anchor of a new center for innovation and a catalyst for the development of a vibrant and revitalized surrounding area with a mixture of green technology, light industrial, commercial, and residential uses.

The 2014 Richmond Bay Campus LRDP provides the opportunity to accomplish several priorities:

- *Strengthen and expand existing research programs to sustain and grow the University's role as a national research institution.*
- *Develop the Richmond Bay Campus as a living laboratory of sustainability to attract research and development endeavors to the site.*
- *Expand partnerships and collaborations to enhance the University's scientific and technical base.*
- *Extend research opportunities and educational value with student exposure to private industry employers.*
- *Replace single-purpose facilities with new facilities programmed to accommodate multiple disciplines with advanced infrastructure suitable for future scientific endeavors.*
- *Construct new scientific facilities to support future research and teaching initiatives.*

The replacement of existing facilities at RBC and construction of additional facilities at a higher density will be required to meet the demands of the next generations of scientific endeavors and to accommodate growth in space needs and population.

The LRDP provides for up to 5.4 million gsf of research and development facilities, housing a daily population of approximately 10,000 on site. Density, measured by the ratio of building

floor area to the area of a site (FAR), is projected to be 1.15, which is significantly higher than the existing density of 0.22 but well within the City of Richmond's density range of 0.25 to 3.0 FAR allowed in their Business/Light Industrial General Plan land use designation for adjacent properties.

Physical Design Framework

The Physical Design Framework (PhDF) accompanies and complements the Richmond Bay Campus 2014 LRDP. The RBC PhDF describes the vision for the physical manifestation of the RBC and articulates the planning and design principles necessary to build a cohesive and distinctive campus as development proceeds over time. Consistent with University of California policy, it provides guidance to decision-makers, campus staff, and design professionals who will be charged with building and site design.

The PhDF provides guidance on Chancellor- and Director-level approval of capital investment at the RBC and informs any needed future Regental approval. The PhDF is organized into four sections as follows:

Design Context: This section sets the basis for design guidance, discussing the conditions that may influence design. These include the Research Vision; Community Context; and Site Design Inspiration.

Campus Framework: The "Campus Parti," or four key concepts that are meant to guide architects in project siting and design, are:

Land and Sense of Place: Embrace the natural setting; establish a sense of place.

Neighborhoods: Establish distinct neighborhoods to provide scale and identity.

Collaboration and Interaction: Bring people and programs together; provide for a range of activities.

Connections: Create connections among the campus neighborhoods and with the Richmond community.

An Illustrative Development Scenario presents a possible configuration of the campus, incorporating the guidance of the LRDP and the guidelines in the PhDF.

Design Guidelines: The guidelines are organized into three categories: Site Development – the overall layout of the buildings and open space; Building Design; and Open Space and Landscape Design. The guidelines are intended to provide direction and intent to designers and planners, but not be overly prescriptive.

Implementation: Finally, the implementation section describes the review, approval, and management processes and procedures that will be used to ensure that site, facility, and landscape design is in conformance with the intent of the PhDF.

LRDP Implementation

Implementation of the LRDP would be administered by UC Berkeley and expected to span a 40-year time period. RBC development would occur incrementally and be guided by flexible and integrated site and infrastructure planning. Incremental development would ensure that improvements balance density with an attractive and sustainable environment.

Integration of new development with existing buildings and activities would require careful land use management that provides for growth while maintaining the research work currently underway at the site. UC Berkeley has retained a Development Manager charged with management responsibilities for every component of the LRDP as it develops over time. The Development Manager also staffs the RBC Executive Committee established by the Chancellor. The Executive Committee is composed of:

- Chancellor
- Vice Chancellor – Research
- Vice Chancellor – Administration and Finance
- Vice Chancellor – Real Estate
- Vice Provost – Teaching, Learning, Academic Planning, and Facilities
- Dean of College of Engineering

The Berkeley campus expects to seek funding for major new building projects principally from non-State sources. There are a number of traditional and innovative development opportunities that Berkeley will seek out, including gifts and grants, and public/private partnership delivery models. LBNL may seek federal funding for facilities to accommodate research programs as opportunities arise. The tremendous potential associated with Berkeley's and LBNL's contributions to technology transfer, bringing new knowledge in basic and applied research and partnerships with industry, is expected to provide Berkeley and LBNL with additional opportunities for future funding.

However, the significant components of utility infrastructure necessary to support the development of the RBC would require a concerted public/private partnership including local, State, and possibly federal funding sources. The components of basic infrastructure including energy, heating, cooling, water, sewer, and telecommunications services, as well as access roads and landscaping, could cost approximately \$2 million per developable acre. In the absence of tax increment financing tools as traditionally provided by redevelopment law, the campus will explore all other tools including Infrastructure Financing Districts that require the collaboration of local and State agencies; private investment; and one-time public investment.

Summary of Environmental Impacts

An EIR was prepared in accordance with CEQA to evaluate the potential environmental impacts of the 2014 RBC LRDP (Attachment 1). The Final EIR includes the Draft EIR incorporating all changes proposed in response to comments received on the Draft EIR, and includes copies of comments and responses to comments on the Draft EIR, a summary of changes made to the draft EIR, and the Mitigation Monitoring and Reporting Program for the RBC LRDP.

During early formulation of the RBC LRDP in 2012, UC Berkeley and LBNL held three informal meetings in Richmond, to which the public was invited. Staff representing different plan topic areas were present to consult with the community at these meetings, which included an introductory visioning meeting on July 26, 2012, a discussion of the science of the Richmond Bay Campus on September 6, 2012, and an introduction outlining the LRDP on October 4, 2012. On January 4, 2013 a Notice of Preparation (NOP) was published notifying the public of the preparation of a Draft EIR and describing its proposed scope. UC Berkeley and LBNL held a scoping meeting on January 23, 2013, at which the public was invited to comment on the scope of the EIR. On June 20, 2013, the community was invited to a meeting to preview the draft LRDP. On October 1, 2013, both LBNL and UC Berkeley made a presentation to the Richmond City Council about the Richmond Bay Campus.

A draft of the 2014 RBC LRDP was published for community review on August 12, 2013. The Draft EIR was published on November 15, 2013, along with a revised Community Draft LRDP, and was circulated for a 60-day comment period ending January 13, 2014. At the request of the community, the comment period was extended to January 21, 2014.

Oral comments on the Draft EIR were taken at a public hearing on December 11, 2013. Written comments on the Draft EIR were received from seven individuals, six government agencies, and 14 public organizations. A petition was signed by 167 individuals. The comment letters and public hearing transcript, as well as the University's responses to all comments, are contained in the Final EIR.

Implementation of the LRDP would have the potential to result in significant impacts on the environment. A summary table of these impacts is included in the LRDP EIR. As shown in the table, many of these impacts can be reduced to less than significant levels through the implementation of mitigation measures; however, several significant and unavoidable impacts would remain even after mitigation, as discussed below.

Air Quality

Operational emissions from implementation of the LRDP may result in criteria pollutant emissions that exceed Bay Area Air Quality Management District (BAAQMD) thresholds. Mitigation measures would reduce this impact, but because the efficacy of the measures cannot be quantified precisely at the plan level, the impact is conservatively found significant and unavoidable.

Operational activities could expose people to toxic air contaminant emissions in excess of BAAQMD thresholds. Mitigation measures would reduce this impact, but because the efficacy of the measures cannot be quantified precisely at the plan level, the impact is conservatively found significant and unavoidable.

Cultural Resources

Implementation of the LRDP would result in demolition or other significant impact to buildings or structures that may be considered historically significant. Mitigation measures would record these buildings in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties, but the impact would remain significant and unavoidable.

Greenhouse Gas Emissions

Because the LRDP proposes significant new development, greenhouse gas emissions are expected to be significant and unavoidable, even after implementation of a climate action plan and with development fully compliant with all UC Office of the P sustainability practices and directives.

Traffic

Implementation of the LRDP would increase vehicle trips and traffic congestion at certain intersections causing exceedances in level of service standards. Implementation of the LRDP would cause exceedances of a level of service standard established for Congestion Management Plan facilities under 2035 conditions.

Key Public Concerns

At all public meetings, community members spoke about the need for the project to bring jobs to the community. These and other community considerations outside the scope of environmental review are addressed elsewhere in this item.

Several environmental topics of concern regarding implementation of the LRDP were raised by commenters on the Draft EIR. The Master Responses in the Final EIR respond to issues raised by numerous commenters; these include the relationship of the EIR to the proposed Removal Action Workplan and removal of site contaminants; concern regarding displacement of Richmond citizens in lower economic brackets due to economic pressure resulting from the RBC; alignment with the City of Richmond's General Plan and pending South Shoreline Plan; and opportunities for community review and comment on future building projects at the RBC. Other issues addressed in Master Responses include:

Native coastal terrace prairie grasslands

The draft RBC LRDP designates 25 acres of the Richmond Bay Campus as *Natural Open Space*, including 15 acres of native grasslands. Commenters contested the methodology for determining

the open space, and felt that many more acres of the site should be preserved, and that immediate steps should be taken to protect the existing grassland resource from further degradation by invasive exotic plants. Master Response 16 in the Final EIR addresses this item, in addition to Appendix G, which is a grasslands management plan for the RBC, to be implemented concurrently with the LRDP.

Greenhouse gas emissions

In response to concern about greenhouse gas emissions, the University notes that the analysis in the EIR is very conservative, using default emission modeling factors rather than emission factors that are more representative of University buildings. The default modeling also does not account for the President Napolitano's carbon neutrality initiative, which was announced just as the draft EIR was being published. UC Berkeley has an excellent record of progress on climate action initiatives, as does LBNL, and expects to be a leader in renewable energy use at the RBC site.

Transportation demand management and impacts of the RBC on the Bay Trail

Some commenters felt that the EIR underestimated likely bicycle and pedestrian usage of the Bay Trail, and that the RBC should contribute funds to the East Bay Regional Park District for upkeep and maintenance of the Bay Trail. The response points out that the RBC development proposes a parallel bicycle path, Lark Drive, through the RBC site, and the willingness of the University to work with the District to determine actual use and impact over time.

Findings

The Findings (Attachment 3) discuss the project's impacts, mitigation measures, and conclusions regarding certification of the EIR for the 2014 RBC LRDP in conformance with CEQA. The Findings also set forth overriding considerations for approval of the project in light of its unavoidable significant impacts in the areas of air quality, cultural resources, transportation, and greenhouse gas emissions.

Environmental Remediation

Following UC Berkeley's original purchase of the Richmond Field Station property in 1950, the Berkeley campus identified legacy contamination on the site. UC Berkeley and State and federal agencies conducted investigation activities in the 1980s through 1990s. In 1999, a formal site investigation and remediation process was started under the oversight of the Regional Water Quality Control Board. UC Berkeley undertook remediation of approximately 6.5 acres of the Western Stege Marsh and numerous large areas in the uplands, including removal of approximately 60,000 cubic yards of contaminated soil and sediment. In 2005, oversight agency jurisdiction at the Richmond Field Station transferred to the Department of Toxic Substance Control (DTSC), which issued a Site Investigation and Remediation Order for the Richmond Field Station site.

In 2008, UC Berkeley completed the Current Conditions Report (CCR) required by that DTSC Order. The CCR is a comprehensive history of site investigations of the Richmond Field Station. It includes “data gap identification,” i.e., site conditions that require additional investigation to determine whether they pose a threat to public health or the environment.

UC Berkeley implemented the recommendations in the CCR through completion of a Field Sampling Workplan outlining a five-phase process to fill the data gaps. Between 2010 and 2013, UC Berkeley completed three of five phases of the Field Sampling Workplan, including a comprehensive groundwater investigation. In parallel with preparing the LRDP and the LRDP EIR for the RBC, UC Berkeley developed and submitted to DTSC a draft Removal Action Workplan (RAW) for the Richmond Field Station portion of the RBC; this was published in November 2013 for public comment. The public had a 45-day review period that paralleled the draft LRDP EIR review period. DTSC has stated that it intends to consider the RAW for approval after The Regents makes its determination on the RBC LRDP and LRDP EIR.

Implementation of the RAW, if approved by DTSC, would include remediation of soil contamination in the proposed Research, Education, and Support Areas of the RBC as identified in the RAW, as well as monitored natural attenuation of localized carbon tetrachloride groundwater contamination beneath a limited portion of the Natural Open Space (NOS) area of the RBC; management of soil in conjunction with future redevelopment projects in compliance with a Soil Management Plan included in the RAW; and ongoing monitoring activities. Additional phases of investigation in the NOS area at the RBC would be conducted pursuant to the existing Site Investigation and Remediation Order. If subsequent phases of investigation indicate additional remediation is necessary, it would be conducted under DTSC oversight either under the RAW or the existing Site Investigation and Remediation Order. If the RAW is not approved by DTSC, contamination associated with development under the proposed RBC LRDP would be addressed pursuant to the existing Site Investigation and Remediation Order.

Supporting Documents

Community Engagement

City of Richmond leaders have enthusiastically embraced the RBC vision and worked to articulate the possibilities posed by the development of a research campus within their community. In the spirit of collaboration, UC Berkeley and LBNL staff have met regularly with the City of Richmond staff; hosted multiple community-wide meetings and two CEQA hearings (NOP and Draft EIR); and have met with neighborhood, environmental, and community organizations.

In addition to environmental issues that are being addressed in the proposed LRDP, Removal Action Workplan, and LRDP EIR, six issue areas have been consistently raised as central priorities by the greater community and by city staff. These are:

1. Education
2. Workforce Development and Training

3. Local Hire
4. Local Procurement
5. Equity and Gentrification
6. Infrastructure Coordination and Proportional Allocation

Additionally, two additional specific requests have been raised by City of Richmond leadership:

- Community Partnership Fund: Richmond Council Members have inquired about UC Berkeley and LBNL's willingness to set up a Community Partnership Fund similar to UC Berkeley's Chancellor's Community Partnership Fund, to foster deeper partnerships with the Richmond community.
- "Ban the Box" – Remove Barriers to Employment: Richmond, like communities across the state, has been challenged with the implementation of AB 109, California's realignment of the criminal justice system. Employment of eligible people with a conviction history is key to the success of realignment, as studies have shown that stable employment significantly lowers recidivism and promotes public safety. Richmond has been at the forefront of the movement to "ban the box" – removing the initial conviction history screening question on employment applications. The City has asked UC Berkeley and LBNL to consider removing any reference to conviction history on University employment applications.

The campus has focused on developing responses to issues 1-5 and the two City leadership issues as part of strategic communications with the community. Towards that end, the campus has researched existing UC MOUs, agreements and practices for voluntary local hiring, education, workforce development, and procurement.

The attached *Joint Statement of Commitment to Strengthen Community Partnerships between UC Berkeley, Lawrence Berkeley National Laboratory, and the Richmond Community* signed by Chancellor Dirks and Director Alivisatos establishes the basic framework of ongoing engagement that UC Berkeley and LBNL are committed to pursuing with the Richmond Community (Attachment 5).

Infrastructure Coordination and Proportional Allocation

The Infrastructure Coordination and Proportional Allocation (#6 above), needs to be addressed directly with city staff. The City of Richmond is in the initial planning phase for the development of a South Shoreline Specific Plan (SSSP) for the property immediately adjacent to the RBC, which is expected to include consideration of backbone infrastructure financing as the SSSP is prepared through calendar year 2014. The City has indicated a willingness to work together with UC Berkeley on financing backbone infrastructure that meets the needs of the RBC and the larger SSSP planning area. To that end and in order to provide City leaders with UC Berkeley's commitment to contribute proportional share funding toward infrastructure constructed that supports development at RBC, UC Berkeley is entering into a *Framework Agreement and*

Memorandum of Understanding for the Infrastructure Development and Municipal Services for the Richmond Bay Campus with the City of Richmond (Attachment 6).

Figure 1: Land Use Map from Long Range Development Plan (LRDP Figure 4.1) (below)

ATTACHMENTS:

Attachment 1: 2014 Long Range Development Plan for Richmond Bay Campus
http://richmondbaycampus.lbl.gov/environmental_documents.html

Attachment 2: Final Environmental Impact Report for Richmond Bay Campus including the Mitigation Monitoring Reporting Program
http://richmondbaycampus.lbl.gov/environmental_documents.html

Attachment 3: CEQA Findings (below)









Attachment 4: 2014 Physical Design Framework for Richmond Bay Campus
http://richmondbaycampus.lbl.gov/environmental_documents.html

Attachment 5: Joint Statement of Commitment to Strengthen Community Partnerships between UC Berkeley, UC Lawrence Berkeley National Laboratory, and the Richmond Community. (below)

Attachment 6: Framework Agreement & Memorandum of Understanding for the Infrastructure Development and Municipal Services for the Richmond Bay Campus, City of Richmond and University of California, Berkeley. (below)

Figure 4.1: Land Use Plan

LEGEND

-  Property Boundary
134.0 acres
-  Natural Open Space
25.0 acres
-  Research, Education & Support
107.6 acres
-  Potential Road Alignment
through Natural Open Space*
0.8 acres
-  Zone of Potential Road Alignment
through Natural Open Space
-  Private Road: 1/3 UC Undivided
Interest
0.6 acres
-  25' Buffer Zone
-  City of Richmond Realigned
Regatta Boulevard

* NOTE: The potential road alignment is illustrative. A road with similar dimensions may be aligned differently but will fall within the Zone of Potential Road Alignment through Natural Open Space.



**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN
CONNECTION WITH THE APPROVAL OF THE
RICHMOND BAY CAMPUS
2014 LONG RANGE DEVELOPMENT PLAN**

I. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The University of California (the “University”), as the lead agency pursuant to the California Environmental Quality Act (“CEQA”), has prepared a Final Environmental Impact Report (“Final EIR” or “FEIR”) for the Richmond Bay Campus 2014 Long Range Development Plan (the “2014 LRDP” or “Project”) for the University of California, Richmond Bay Campus (“RBC” or “Campus”). The Final EIR has been assigned State Clearinghouse No. 2013012007. The Final EIR consists of two volumes. Volume I of the Final EIR presents the analysis of environmental impacts and proposed mitigation measures as previously provided in the November 2013 Draft EIR and updated with minor corrections and responses to comments received, with EIR Appendices included on a disk (plus the Mitigation Monitoring and Reporting Program and the Long Range Development Plan). Volume II presents the Responses to Comments on the Draft EIR and Revisions to the Draft EIR. The Final EIR assesses the potential environmental effects of implementation of the 2014 LRDP, identifies the means to eliminate or reduce potential significant adverse impacts, and evaluates a reasonable range of alternatives to the proposed 2014 LRDP. The Final EIR provides a chapter indicating changes made to the text of the Draft EIR, responses to comments on the Draft EIR from public agencies, interested groups and individuals (the “Responses to Comments”), appendices, and the Mitigation Monitoring and Reporting Program for the proposed 2014 LRDP.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15090, The Board of Regents of the University of California (“The Regents”) certifies that it has received the Final EIR, that it has further considered all additional written and oral statements received prior to or at its public hearing on the Final EIR and Final Draft 2014 LRDP, and that it has reviewed and considered the information contained in the Final EIR and received at its public hearing prior to making the following certifications and the Findings in Sections II - V and the approvals in Section VI below. Pursuant to Public Resources Code Section 21082.1 and CEQA Guidelines Section 15090, The Regents hereby certifies that the Final EIR has been completed in compliance with CEQA, and that the Final EIR reflects the independent judgment and analysis of the University. The conclusions presented in these Findings are based on the Final EIR and other evidence in the administrative record.

The Regents further certifies that the Final EIR satisfies the requirements for a long range development plan EIR prepared under Public Resources Code Section 21080.09 and CEQA Guidelines Section 15081.5.

The Findings set forth in Sections II - V, below, pertain to the approval of the 2014 LRDP. Future projects implementing the 2014 LRDP will be considered for approval by the University either by The Regents, its Grounds and Buildings Standing Committee, the President or other University officials delegated such authority pursuant to the bylaws, standing orders, policies and delegations of the University, as applicable, and based, in whole or in part, on the analysis in the Final EIR, and any

additional project-level environmental review required under CEQA in accordance with Public Resources Code sections 21068.5 and 21093 and CEQA Guidelines sections 15152 and 15385.

II. FINDINGS

Having received, reviewed and considered the Final EIR and other information in the administrative record, The Regents hereby adopts the following Findings and Statement of Overriding Considerations for the 2014 LRDP in compliance with CEQA, the CEQA Guidelines, and the University's procedures for implementing CEQA. The Regents adopts these Findings and Statement of Overriding Considerations in conjunction with its approval of the 2014 LRDP as set forth in Section III, below.

A. ENVIRONMENTAL REVIEW PROCESS

1. Preparation of the EIR

On January 4, 2013 the University issued a Notice of Preparation ("NOP") of a Draft EIR for a proposed new Long Range Development Plan for the Richmond Bay Campus. The University issued the Draft EIR on November 15, 2013, and circulated it for public review and comment for an initial 60-day period ending on January 13, 2014. The review and comment period was extended until January 21, 2014. A public hearing was held on December 11, 2013, and 25 members of the community provided comments at the public hearing. Thirty five (35) comment letters were received from various state, county and local agencies, and the public on the Draft EIR. The Final EIR contains all of the comments received during the public comment period, together with written responses to those comments that were prepared in accordance with CEQA, the CEQA Guidelines, and the University's procedures for implementing CEQA. The Regents has reviewed the comments received and responses thereto, and finds that the Final EIR provides adequate, good faith and reasoned responses to the comments.

2. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. "Information" can include changes to the project, changes in the environmental setting, or additional data or other information. CEQA Guidelines Section 15088.5(a). Section 15088.5(a) further provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a significant way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

Some of the mitigation measures proposed in the Draft EIR have been expanded and clarified in response to comments and because of staff review of the Draft EIR. The Regents finds that these changes and additions to the mitigation measures augment the mitigation proposed in the Draft EIR, strengthen the effectiveness of the proposed mitigation measures, and enhance their clarity, but do not cause any new or substantially more severe environmental impacts. Therefore, in accordance

with CEQA and the CEQA Guidelines, no recirculation of the EIR is necessary based on the changes and additions to the mitigation measures in the Final EIR.

In addition, various minor modifications have been made to the text, tables and figures of the Draft EIR, as set forth in Volume II, Chapter 10 of the Final EIR. These changes are generally of an administrative nature, such as correcting minor clerical errors in the text and adding or changing parts of the text for purposes of clarification. The Regents finds that these changes do not entail any changes that would require recirculation of the EIR under CEQA and the CEQA Guidelines.

Having reviewed and considered the information contained in the Final EIR and in the administrative record, as well as the requirements of CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, The Regents hereby finds that no new significant information was added to the Final EIR following public review and thus, recirculation of the EIR is not required.

3. Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final EIR and to approve the Project, The Regents recognizes that the Project implicates several controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Regents has acquired a better understanding of the breadth of this technical and scientific opinion by its review of the Final EIR, the comments received on the Draft EIR, and the responses to comments on the Draft EIR. Having reviewed and considered, as a whole, the evidence and analysis presented in the Final EIR as a whole, The Regents has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. This understanding, in turn, has enabled The Regents to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues. The Regents accordingly finds that these Findings are based on full appraisal of all viewpoints expressed in the Final EIR, as well as other relevant information in the record of proceedings for the Project.

B. IMPACTS AND MITIGATION MEASURES

The following section summarizes the environmental impacts of the Project identified in the Final EIR, and includes the Findings of The Regents as to those impacts, as required by CEQA and the CEQA Guidelines. The Findings provide the written analysis and conclusions of The Regents regarding the environmental impacts of the Project and the mitigation measures put forth in the Final EIR and adopted by The Regents and incorporated into the Project.

These Findings summarize the environmental determinations of the Final EIR about project impacts before and after mitigation, and do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, these Findings provide a summary description of each impact from the EIR, describe the applicable mitigation measures identified in the Final EIR and adopted by The Regents, and state The Regents' Findings on the significance of each impact with the adopted mitigation measures. A full explanation of these environmental Findings and conclusions can be found in the Final EIR, and these Findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding mitigation measures and the Project's impacts. In making these Findings, The Regents

ratifies, adopts and incorporates the analysis and explanation in the Final EIR in these Findings, and ratifies, adopts and incorporates in these Findings the determinations and conclusions of the Final EIR relating to mitigation measures and environmental impacts, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

In adopting mitigation measures as set forth below, The Regents intends to adopt each of the mitigation measures recommended in the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from these Findings, said mitigation measure is hereby adopted and incorporated in the Findings below by reference. In addition, in the event the language of the mitigation measures set forth below fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these Findings.

With respect to measures that were suggested in the comments, and not included in the Final EIR, the responses to comments explain either that the suggested mitigation measures are already part of the 2014 LRDP or that they are infeasible and thus not recommended for adoption for the reasons outlined in the responses. The Regents hereby adopts and incorporates by reference the reasons stated in the responses to comments as the grounds for finding these suggested mitigation measures to be infeasible.

B-1. LESS-THAN-SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR FOR WHICH NO MITIGATION IS REQUIRED

The Final EIR found that the following impacts from the implementation of the 2014 LRDP would be less than significant without mitigation: impacts to aesthetics (see Draft EIR pages 4-22 through 4-24, 5-1; LRDP Impact AES-2, LRDP Impact AES-3, Cumulative Impact AES-1, Cumulative Impact AES-2, RAW Impact AES-1); air quality (see Draft EIR pages 4-37,4-42, 4-47, 4-48, 4-53, 5-2; LRDP Impacts AIR-1, AIR-3, AIR-6, AIR-7, Cumulative Impact AIR-3, RAW Impact AIR-1); biological resources (see Draft EIR pages 4-80, 4-84 through 4-86, 5-4; BIO-7, BIO-8, Cumulative Impact BIO-1, RAW Impact BIO-1); cultural resources (see Draft EIR page 4-103, 5-7, Cumulative Impact CR-1, RAW Impact CR-1); geology and soils (see Draft EIR pages 4-117, 4-119, 5-7; LRDP Impact GEO-1, Cumulative Impact GEO-1, RAW Impact GEO-1); greenhouse gas emissions (see Draft EIR page 5-7; RAW Impact GHG-1); hazards and hazardous materials (see Draft EIR pages 4-152 through 4-159, 5-8; LRDP Impacts HAZ-1, HAZ-3, HAZ-4, HAZ-5, Cumulative Impact HAZ-1, Cumulative Impact HAZ-2, RAW Impact HAZ-1); hydrology and water quality (see Draft EIR pages 4-170 through 4-173, 5-9; LRDP Impacts HYD-1 through HYD-7, Cumulative Impact HYD-1, RAW Impact HYD-1); land use and planning (see Draft EIR pages 4-181 through 4-183, 5-10; LRDP Impacts LU-1, LU-2, Cumulative Impact LU-1, RAW Impact LU-1); noise (see Draft EIR pages 4-196 through 4-200, 5-10; LRDP Impacts NOISE-2, NOISE-3, Cumulative Impact NOISE-2, RAW Impact NOISE-1); population and housing (see Draft EIR pages 4-210, 4-211, 5-11; LRDP Impact POP-1, Cumulative Impact POP-1, RAW Impact POP-1); public services and recreation (see Draft EIR pages 4-219 through 4-224, 5-11; LRDP Impacts PS-1 through PS-4, Cumulative Impact PS-1, RAW Impact PS-1); transportation and circulation (see Draft EIR pages 4-257 through 4-259, 5-11; LRDP Impacts TRA-4, TRA-5, TRA-6, RAW Impact TRA-1); and utilities, service systems, and energy (see Draft EIR pages 4-271 through 4-273, 4-275 through 4-280, 5-11; LRDP Impacts UTL-1 through UTL-3, UTL-5 through UTL-11, RAW Impact UTL-1). The Regents notes that the impacts listed above regarding activities under the Removal Action

Workplan (“RAW”) are considered less than significant without mitigation because the LRDP policies and mitigation measures adopted herein by The Regents will be applied to all RAW activities. The RAW is being separately proposed to the California Department of Toxic Substances Control for approval.

B-2. LESS-THAN-SIGNIFICANT IMPACTS WITH RECOMMENDED MITIGATION

The Final EIR identifies the following less-than-significant impact of the Project. While not required by CEQA, the following mitigation measure will further reduce this less-than-significant impact and is hereby adopted and incorporated into the Project.

1. Biological Resources

LRDP Impact BIO-1: Development under the 2014 LRDP would not have a substantial adverse effect on special-status plant species.

LRDP MM BIO-1. Implement LRDP MM BIO-5.

B-3. SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY MITIGATION MEASURES INCORPORATED INTO THE PROJECT

Pursuant to Public Resources Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), the following potentially significant impacts identified in the Final EIR will be mitigated to less than significant levels or avoided by implementation of the mitigation measures hereby incorporated into the Project.

1. Aesthetics

LRDP Impact AES-1: *Development under the 2014 LRDP could substantially degrade the existing visual character and quality of the RBC site and its surroundings.*

LRDP MM AES-1. The University shall develop and implement a Physical Design Framework that protects the visual quality of both the on- and off-campus environments through provisions that address building scale, materials, and color schemes. The Physical Design Framework shall include best management practices and procedures for avoiding or minimizing aesthetic nuisances in demolition, construction, and operational phases of the project. Design review processes for planning of new buildings and development shall be clearly articulated and followed throughout the life of the project.

Increased RBC scale and density would be addressed in a number of ways through the Physical Design Framework and subsequent plans: buildings would be restricted in height and height zones would further restrict heights in certain locations. Building facades would be broken up by architectural and design features so as to minimize the appearance of mass and bulk. Reflective material would be restricted, which would minimize the appearance of the new buildings particularly at greater distances. Trees and other landscaping features would be used to further break up,

obscure, or minimize RBC development. Aesthetically objectionable appurtenances such as stacks, machinery, tanks, and HVAC systems on top of buildings would be sheltered from view wherever practical. Demolition debris and long-term construction supplies and equipment would be stored such that – to the extent practicable – they would not be visually intrusive from off-site viewpoints.

FINDING: The Regents finds that the implementation of the 2014 LRDP would affect the existing visual character and quality of the RBC site and its surroundings (see Draft and Final EIR Section 4.1). LRDP Mitigation Measure AES-1 is hereby adopted and incorporated into the Project. The Physical Design Framework as part of LRDP Mitigation Measure AES-1 is accepted by The Regents. Implementation of this mitigation measure will reduce this impact to a less than significant level.

2. Biological Resources

LRDP Impact BIO-2: *Development under the 2014 LRDP could adversely affect special-status bird species protected under the Migratory Bird Treaty Act, Endangered Species Act, and/or California Endangered Species Act and result in nest abandonment and reproductive failure.*

LRDP MM BIO-2.

Avoid construction, demolition, or renovation activities in areas adjacent or nearby to marshland nesting bird habitat during the nesting season (February 1 – August 31) and specify that construction schedules make efforts to further reduce noise and vibration during known nesting periods.

If construction, demolition, or renovation were proposed to occur during the nesting season, a nesting bird survey shall be performed by a qualified biologist up to approximately 7 days prior to work commencing, up to 100 feet beyond the project boundary. If no birds or evidence of birds are found, no further action is required, provided work commences within approximately 1 week of the survey to prevent “take” of individual birds that may have begun nesting after the survey.

If nesting birds with eggs or young are observed during the pre-construction surveys, construction, demolition, or renovation in the affected project area shall not commence within 100 feet of the occupied nest until after the young have fledged.

Engage in ESA Section 7 or Section 10 consultation (formal or informal, as appropriate) with the USFWS for implementation level LRDP components (depending on whether those components constitute a federal or state action, e.g., approvals or funding) to address any potential impacts on California clapper rail. Develop appropriate measures with USFWS and implement them.

Establish a 150-foot-wide temporary “no disturbance” buffer around the wetland/upland boundary of Western Stege Marsh/Meeker Slough when construction occurs during the breeding season (mid-March to July). This buffer would protect and buffer potential California clapper rail habitat and nesting areas during construction by prohibiting entry into this area.

To prevent take of individuals, as required under the MBTA, ESA, CESA, and California Fish and Game Code, which includes harm and harassment under the ESA, a buffer zone of an appropriate size to prevent substantial adverse effects from construction would be established through consultation with the USFWS.

Post interpretative California clapper rail signs in and near Western Stege Marsh/Meecker Slough. Signs should include seasonal use restrictions (e.g., stay on designated trails, pets on leash), to reduce disturbance potential during construction and operations.

FINDING: The Regents finds that the implementation of the 2014 LRDP could adversely affect special-status bird species (see Draft and Final EIR Section 4.3 and Chapter 9, Master Response-16). LRDP Mitigation Measure BIO-2 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

LRDP Impact BIO-3: *During the bat breeding season, tree and building removal and other construction activity associated with development under the proposed 2014 LRDP could result in a substantial adverse effect on bats.*

LRDP MM BIO-3. 2014 LRDP implementation projects shall avoid disturbance to special-status bats' maternity roosts during the breeding season in accordance with the following procedures for Pre-Construction Special-Status Bat Surveys and Subsequent Actions. No more than 2 weeks prior to commencement of any concrete breaking or similarly noisy construction/demolition activity during the breeding season (March 1 through August 31), a qualified bat biologist shall conduct pre-demolition surveys of all potential special-status bat breeding habitat in the disturbance vicinity. Depending on the survey findings, the following actions shall be taken to avoid potential adverse effects on breeding special-status bats:

1. If active roosts are identified during pre-construction surveys, a no-disturbance buffer shall be created by the qualified bat biologist, in consultation with the CDFW, around active roosts during the breeding season. The size of the buffer shall take into account factors such as:
 - a. Noise and human disturbance levels at the project site and the roost site at the time of the survey and the noise and disturbance expected during the construction,
 - b. Distance and amount of vegetation or other screening between the project site and the roost, and
 - c. Sensitivity of individual nesting species and the behaviors of the bats.
2. If pre-construction surveys indicate that no roosts of special-status bats are present, or that roosts are inactive or potential habitat is unoccupied, no further mitigation is required.
3. Pre-construction surveys are not required for demolition or construction scheduled to occur during the non-breeding season (September 1 through February 28).
4. Noisy demolition or construction as described above (or activities producing similar substantial increases in noise and activity levels in the vicinity) commencing during the non-breeding season and continuing into the breeding season do not require surveys (as it is assumed that any bats taking up roosts would be acclimated to project-related activities already under way). However, if trees are to be removed during the breeding season, the trees shall be surveyed for roosts prior to their removal, according to the survey and protective action guidelines 1a through 1c, above.

5. Bat roosts initiated during demolition or construction are presumed to be unaffected by the activity, and a buffer is not necessary.
6. Destruction of roosts of special-status bats and overt interference with roosting activities of special-status bats shall be prohibited.
7. The noise control procedures for maximum noise, equipment, and operations identified in Section 4.10, Noise, shall be implemented.

FINDING: The Regents finds that the implementation of the 2014 LRDP could result in a substantial adverse effect on special status bats (see Draft and Final EIR Section 4.3). LRDP Mitigation Measure BIO-3 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

LRDP Impact BIO-5: *Development under the 2014 LRDP could have a substantial adverse effect on sensitive natural communities.*

LRDP MM BIO-5. Mitigation for LRDP-related impacts on grasslands will expand as the campus grows.

- a) Once the RBC LRDP is approved for implementation, UC Berkeley shall commence initial phase implementation of a Coastal Terrace Prairie Management Plan that addresses exotics removal, tree and *Baccharis* (a genus in the Aster family) removal, weed management, and programs for native plant stock preservation to aid in preservation and enhancement of the grassland portion of the Natural Open Space area. See Appendix G for the 2014 Richmond Bay Campus Coastal Terrace Prairie Management Plan.
- b) As initial projects under the LRDP are implemented, proactive (not passive) measures to improve the quality of the native grasslands in the Natural Open Space area shall be funded and undertaken. This may take the form of support for research and education into effective restoration. Possible fund sources include the UC Berkeley Capital Renewal Program, which assesses a four percent fee on all capital budgets (UC Berkeley 2013).
- c) Once a project is proposed that may alter high quality grassland within the Natural Open Space land use zone by constructing minor access roads, structures, or boardwalks, the University shall update its Coastal Terrace Prairie Management Plan to guide conservation and enhancement efforts, as well as the siting of boardwalks and minor access roads and structures in a resource-sensitive manner. The plan shall include weed management actions, annual monitoring and reporting, and adaptive management sufficient to maintain or improve the quality of the grasslands preserved in the designated Natural Open Space. The effectiveness of the plan shall be continually evaluated and the plan adjusted as needed.
- d) Prior to approving any action to develop the Northwest Meadow or to develop on other high, medium, or low quality grasslands outside of the Natural Open Space land use zone, the University shall conduct a site-specific native plant survey. All survey results would be published to the University environmental website for the RBC. The University would apply the results of such surveys to implement a program that would use the native plant stock from such area to aid enhancement and restoration in Natural Open Space grassland areas,

and to develop or restore meadow acreage elsewhere. Possible locations include formal landscaped open areas of the RBC, rooftops of buildings at the RBC, demonstration meadows at UC Berkeley or in the city of Richmond that help explain the former extent of regional coastal terrace prairie grasslands.

FINDING: The Regents finds that the implementation of the 2014 LRDP could have a substantial adverse effect on sensitive natural communities (see Draft and Final EIR Section 4.3 and Chapter 9, Master Response-16). LRDP Mitigation Measure BIO-5 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

LRDP Impact BIO-6: *Development under the 2014 LRDP could have a substantial adverse effect on federally protected wetlands.*

LRDP MM BIO-6.

BIO-6a: 2014 LRDP development projects shall avoid, to the extent feasible, the filling of or discharging to potentially jurisdictional waters. Therefore, during the design phase of any future development project that may affect potentially jurisdictional waters, a preliminary evaluation of the project site shall be made by a qualified biologist to determine if the site is proximate to potentially jurisdictional waters and, if deemed necessary by the biologist, a wetlands delineation shall be prepared and submitted to the USACE for verification.

Because the USACE's preferred mitigation for impacts to jurisdictional waters is avoidance, to the extent practicable, 2014 LRDP development shall be located to avoid the filling of or discharging to jurisdictional waters.

BIO-6b: Any unavoidable loss of jurisdictional waters shall be compensated for through the development and implementation of a project-specific wetland mitigation plan.

If a 2014 LRDP development project were to potentially impact jurisdictional waters, impact compensation would be based on the USACE-verified wetlands delineation identified in Mitigation Measure BIO-6a. During the permit application process for specific development projects that would impact jurisdictional waters, the University would consult with the USACE, CDFW, and San Francisco Bay RWQCB. The consultation would be to identify the most appropriate assessment and mitigation methods to adequately address losses to wetland function that could occur from the development projects. A project-specific wetland mitigation plan would be developed prior to project implementation and submitted to permitting agencies for their approval. The plan may include on-site or off-site restoration or creation or purchasing of credits from a wetland mitigation bank.

All mitigation work proposed in existing wetlands on- or off-site shall be authorized by applicable permits.

BIO-6c: To the extent feasible, construction projects that might affect jurisdictional drainages or wetlands shall be scheduled for dry-weather months. Avoiding ground-disturbing activities during the rainy season would further decrease the potential risk of construction-related discharges to jurisdictional waters.

FINDING: The Regents finds that the implementation of the 2014 LRDP could have a substantial adverse effect on federally protected wetlands (see Draft and Final EIR Section 4.3). LRDP Mitigation Measure BIO-6 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

3. Cultural Resources

LRDP Impact CR-1: *Development under the 2014 LRDP could result in significant impacts on previously undiscovered, unevaluated, or unrecorded archaeological resources or human remains during construction and clearing.*

LRDP MM CR-1. Prior to any project-related excavation or construction, the University shall adequately survey all relevant disturbance areas for archaeological resources and assess the potential for buried resources based on past land use, site records, and proximity to known resources and landforms. Depending on the resulting level of suspected archaeological sensitivity, archaeological testing shall be done and/or qualified archaeological monitors will be present during ground disturbing activities. Prior to any ground disturbing activities that could disturb potentially existing archaeological resources, the University would prepare a Construction Monitoring and Unanticipated Cultural Resources Discovery Plan to be implemented if an unanticipated discovery is made. At a minimum, the plan would detail the following elements:

- Worker and supervisor training in the identification of cultural remains that could be found in the proposed project area
- Worker and supervisor response procedures to be followed if there is an unanticipated discovery, including appropriate points of contact for professionals qualified to make decisions about the potential significance of any find
- Identities of persons authorized to stop or redirect work that could affect the discovery, and their on-call contact information
- Procedures for monitoring construction activities in archaeologically sensitive areas
- A minimum radius (typically a minimum of 50 feet) around any discovery in which work would be halted until the significance of the resource has been evaluated and mitigation implemented as appropriate
- Procedures for identifying and evaluating the historical significance of a discovery
- Procedures for consulting Native Americans when identifying and evaluating the significance of discoveries involving Native American cultural materials
- Procedures to be followed for treatment of discovered human remains per current state law, including appropriate notification and consultation with Native American groups or individuals

If any suspected human bone is found during construction, all work should stop and the Contra Costa County coroner should be notified immediately per State law and the Discovery Plan. If the remains are determined to be Native American, the Native American Heritage Commission shall be notified for determination of the most likely descendent and tribal affiliation for disposition. No additional work shall take place near the find until the identified actions have been implemented.

FINDING: The Regents finds that the implementation of the 2014 LRDP could result in significant impacts on archaeological resources or human remains (see Draft and Final EIR

Section 4.4). LRDP Mitigation Measure CR-1 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

4. *Geology and Soils*

LRDP Impact GEO-2: *Development under the 2014 LRDP would result in construction on soils that could be subject to erosion and instability.*

LRDP MM GEO-2.

GEO-2a: A site-specific, design-level geotechnical investigation shall be completed during the design phase of each new building project and prior to construction approval on the RBC site. This investigation shall be conducted by a licensed geotechnical engineer and shall include an evaluation of potential soils hazards and appropriate measures to minimize these hazards. Geotechnical recommendations shall subsequently be incorporated into building design.

GEO-2b: Construction under the LRDP shall comply with the Association of Bay Area Government's Manual of Standards for Erosion and Sediment Control Measures, and the California Stormwater Quality Association's Stormwater Best Management Practice Handbook for Construction (CASQA 2003) (or subsequent editions thereof). Construction under the LRDP shall use construction BMPs and standards to control and reduce erosion. These measures could include, but are not limited to, restricting grading to the dry season, protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding, or other suitable measures.

GEO-2c: All LRDP construction projects shall include, as appropriate, revegetation of disturbed areas (including slope stabilization projects) using native shrubs, trees, or grasses.

FINDING: The Regents finds that the implementation of the 2014 LRDP would result in construction on soils that could be subject to erosion and instability (see Draft and Final EIR Section 4.5). LRDP Mitigation Measure GEO-2 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

5. *Noise*

LRDP Impact NOISE-1: *Construction activities associated with development under the 2014 LRDP could generate and expose people to noise levels exceeding Richmond Community Noise Ordinance standards.*

LRDP MM NOISE-1.

NOISE-1a: Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at the surrounding properties shall not exceed the dBA levels set forth in the Richmond Municipal Code Section 9.52.110.

NOISE-1b: The following measures shall be implemented for all construction equipment in accordance with Richmond Municipal Code Section 9.52.060. Quiet construction equipment,

particularly air compressors, shall be used whenever possible. Construction equipment powered by internal combustion engines shall be properly muffled and maintained. Stationery noise-generating construction equipment such as tree grinders and air compressors are to be as far as is practical from existing residences. Unnecessary idling of internal combustion engines shall be prohibited. Sources of impulsive sound and jack hammers shall not be used on Sundays and holidays, except for emergencies.

NOISE-1c: If after implementing NOISE-1a and -1b, construction noise creates a disturbance or results in noise complaints from adjacent property, additional noise reduction strategies shall be evaluated and the necessary practicable technically and economically feasible noise mitigating measures would be implemented, sufficiently to ensure meeting City Noise Ordinance requirements.

FINDING: The Regents finds that the implementation of the 2014 LRDP could generate and expose people to noise levels exceeding Richmond Community Noise Ordinance standards (see Draft and Final EIR Section 4.10). LRDP Mitigation Measure NOISE-1 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

Cumulative Impact NOISE-1: *Development under the 2014 LRDP and regional cumulative development would not result in a cumulatively considerable temporary increase in ambient noise levels and groundborne vibration in the project vicinity.*

Cumulative MM NOISE-1. Implement LRDP MM NOISE-1a through NOISE-1c

FINDING: The Regents finds that the implementation of the 2014 LRDP in conjunction with regional cumulative development could result in a cumulatively considerable temporary increase in ambient noise levels and groundborne vibration in the project vicinity (see Draft and Final EIR Section 4.10). Cumulative Mitigation Measure NOISE-1 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

6. Utilities, Service Systems, and Energy

LRDP Impact UTL-4: *Development under the 2014 LRDP would require the construction of new or expanded wastewater treatment facilities.*

LRDP MM UTL-4. When a project under the 2014 LRDP is proposed that would increase wastewater flows discharged from the RBC site, the University shall work with the City of Richmond to evaluate the impact of the specific project on both the sewer mains and at the Richmond Municipal Sewer District wastewater treatment plant, and if necessary based on the results of the evaluation, the University will compensate the City for the cost of implementing improvements such as slip-lining sewer pipelines downstream of the project site to reduce infiltration and inflow volumes equivalent to or greater than the incremental volume of wastewater generated by the project, or if necessary would construct underground vaults on the RBC site to detain wastewater to reduce peak flows to sewer mains during wet weather.

FINDING: The Regents finds that the implementation of the 2014 LRDP would require the construction of new or expanded wastewater treatment facilities (see Draft and Final EIR Section 4.14). LRDP Mitigation Measure UTL-4 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

Cumulative Impact UTL-1: *Development under the 2014 LRDP, in conjunction with other regional growth, could increase the demand for utilities, service systems, and energy, the construction of which may result in significant environmental impacts.*

Cumulative MM UTL-1. The University will pay its proportional share of the environmental mitigation measures costs associated with required wastewater service improvements.

FINDING: The Regents finds that the implementation of the 2014 LRDP in conjunction with regional cumulative development could increase the demand for utilities, service systems, and energy, the construction of which may result in significant environmental impacts (see Draft and Final EIR Section 4.14). Cumulative Mitigation Measure UTL-1 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact to a less than significant level.

B-4. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS AND RELATED MITIGATION MEASURES

Where a public agency identifies significant environmental effects of a project that cannot feasibly be mitigated to a less-than-significant level, the agency is permitted to approve the project nevertheless if it finds that specific economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment. This written finding pertaining to the significant and unavoidable impacts of the Project, known as a “Statement of Overriding Considerations,” is found in Section III, below.

The Final EIR identifies the following significant unavoidable adverse impacts associated with the approval of the Project. For a detailed description of these impacts and mitigation measures, please see appropriate references in the Final EIR and the Mitigation Monitoring and Reporting Program.

1. Air Quality

LRDP Impact AIR-2: *Operational activities associated with development under the 2014 LRDP would result in criteria pollutant emissions that would exceed BAAQMD CEQA thresholds and therefore potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation.*

LRDP MM AIR-2. When the University has developed 1,000,000 square feet of building space on the RBC site, before approving the construction of another building, the University shall prepare and implement an operational emissions minimization program that will be composed of campus-wide programs to minimize emissions from mobile and area sources, and project-specific emissions control measures, based on project-specific analysis, to minimize emissions from area and stationary sources.

Campus-wide Control Measures

Campus-wide programs would include, but not be limited to, the following:

- Implement an enhanced TDM program to minimize vehicular traffic. The TDM program shall include the continued implementation of existing TDM measures such as provision of preferential carpool/vanpool parking; secure bike parking; showers and changing facilities; transit subsidies Guaranteed Ride Home Program; and information to employees and students regarding alternative transportation modes. The TDM program will be expanded, following an evaluation of campus population and trip generation, to incorporate additional measures such as car share services; free transit passes; parking cash-out; daily parking charge; employee telecommuting program; compressed work schedules; infrastructure that allows employees to interact or conduct meetings and business without traveling; and a dedicated transportation coordinator.
- Convert campus fleet to low-emission, alternative fuel, and electric vehicles over time.
- Use electric equipment for landscape maintenance.
- Implement an educational program for faculty and staff and distribute information to students and visitors about air pollution problems and solutions.
- Develop centralized utilities such as a central plant (in place of individual boilers in buildings).

Stationary and Area Source Control Measures

When the University has developed 1,000,000 square feet of building space on the RBC site, if and when a specific building project is proposed that would add new stationary or area sources of emissions to the RBC site, the University will conduct a project-specific air quality impact assessment. If significant impacts are identified, project-specific mitigation measures will be implemented, which would include, but not be limited to, the following:

- Select solar or low-emission boilers.
- Select low-emission cooling towers.

Other control measures determined appropriate for the specific project based on project-specific analysis.

FINDING: The Regents finds that the implementation of the 2014 LRDP could result in a violation of air quality standards with regards to emissions of VOC, NOx, PM₁₀ and PM_{2.5} (see Draft and Final EIR Section 4.2). LRDP Mitigation Measure AIR-2 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in an impact on air quality that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

LRDP Impact AIR-4: *Operational activities associated with development under the 2014 LRDP would expose people to substantial levels of TACs or expose sensitive receptors to substantial pollution concentrations in excess of the relevant BAAQMD CEQA thresholds.*

LRDP MM AIR-4.

LRDP MM AIR-4a: Implement LRDP MM AIR-2 to minimize the operational emissions of PM_{2.5} from mobile and stationary sources and TAC emissions from on-site stationary sources.

LRDP MM AIR-4b: To reduce the effects from RBC laboratory emissions of formaldehyde and chloroform, the University shall implement one of the following measures in conjunction with every laboratory project that involves the use of these chemicals:

- Implement one or more emission control technologies on laboratory fume hoods or stacks. Controls will be limited to portions of the laboratory that involves the use of formaldehyde and chloroform. Controls will be selected specific to the chemical emissions to be controlled (formaldehyde or chloroform or both chemicals), and in the case of laboratory stacks, may include, as appropriate, activated carbon filters, scrubbers, biofilters, flares, catalytic converters, cryogenic condensers, vapor recovery systems, and thermal oxidizers.
- Demonstrate that the project's use of formaldehyde and chloroform will be at least 10 percent below that assumed for the LRDP human health risk assessment.

In the event that neither measure can be implemented, the laboratory project shall demonstrate by preparing a new human health risk assessment that the maximum acute hazard from project emissions, in conjunction with existing site emissions and future emissions under the 2014 LRDP, will not exceed a hazard index of 1.0.

FINDING: The Regents finds that the implementation of the 2014 LRDP could result in substantial levels of TACs or expose sensitive receptors to substantial pollution concentrations in excess of BAAQMD thresholds for the acute hazard to onsite workers and for PM_{2.5} annual exposure (see Draft and Final EIR Section 4.2). LRDP Mitigation Measure AIR-4 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in an impact on air quality that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the "Statement of Overriding Considerations" in Section III, below.

LRDP Impact AIR-5: *Development under the 2014 LRDP would conflict with or obstruct implementation of the applicable air quality plan.*

LRDP MM AIR-5. Implement LRDP MM AIR-2

FINDING: The Regents finds that the implementation of the 2014 LRDP would result in emissions of criteria pollutants that would exceed BAAQMD CEQA thresholds and therefore conflict with the implementation of the applicable air quality plan (see Draft and Final EIR

Section 4.2). LRDP Mitigation Measure AIR-5 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in an impact on air quality that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

Cumulative Impact AIR-1: *Development under the 2014 LRDP would result in a cumulatively considerable increase in criteria pollutant emissions for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).*

Cumulative MM AIR-1. Implement LRDP MM AIR-2

FINDING: The Regents finds that the implementation of the 2014 LRDP in conjunction with regional cumulative development would result in a cumulatively considerable increase in criteria pollutant emissions for which the project region is non-attainment under an applicable federal or state ambient air quality standards (see Draft and Final EIR Section 4.2). Cumulative Mitigation Measure AIR-1 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in a cumulative impact on air quality that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

Cumulative Impact AIR-2: *Development under the 2014 LRDP would not result in an increase in non-cancer risk (i.e., chronic or acute) as measured by a hazard index greater than 10, but would result in a cumulatively considerable increase in cancer risk of more than 100 in 1 million and an increase in PM_{2.5} concentration greater than 0.8 µg/m³ annual average.*

Cumulative MM AIR-2.

Cumulative MM AIR-2a: Implement LRDP MM AIR-2 to minimize PM_{2.5} and vehicle TAC emissions.

Cumulative MM AIR-2b: When the University has developed 500,000 square feet of R&D building space on the RBC site, before approving the construction of another R&D building, LBNL and UC Berkeley will prepare an updated human health risk assessment (HHRA) that will estimate and report the human health effects of RBC operations on on-site and off-site receptors. If the HHRA indicates that there would be no significant health effects from RBC operations (project level or cumulative, based on significance thresholds applicable at that time), no further action is required.

In the event that significant human health effects are indicated, LBNL and UC Berkeley will implement control measures to minimize TAC emissions from laboratories, parking garages, other

stationary sources, or other measures to reduce the human health effects from RBC TAC emissions to levels below applicable significance thresholds.

Control measures for new or existing laboratories could include, but would not be limited to, the measures listed in LRDP MM AIR-4.

Control measures for parking structures could include, but would not be limited to, the following:

- Locate parking structures to be as distant as possible from receptors to the north of the campus;
- Control parking structure emissions through a collection and bag house system.

FINDING: The Regents finds that the implementation of the 2014 LRDP in conjunction with regional cumulative development would result in a cumulatively considerable increase in cancer risk of more than 100 in 1 million and an increase in PM_{2.5} concentration greater than 0.8 µg/m³ annual average (see Draft and Final EIR Section 4.2). Cumulative Mitigation Measure AIR-2 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in a cumulative impact on air quality that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

2. Cultural Resources

LRDP Impact CR-2: *Development under the 2014 LRDP would result in significant impacts on historic Buildings 150 and 175 through demolition or visual intrusion from new building construction.*

LRDP MM CR-2. Because demolition of Buildings 150 and 175 cannot be avoided, historic documentation would be completed by professionals meeting the Secretary of the Interior’s Professional Qualification Standards for architectural history. Recording each structure to the standard established for the National Park Service’s Historic American Building Survey or Historic American Engineering Record would include high resolution digital photographs taken of historic buildings in their current condition. Up to 20 archival black and white prints would be prepared as part of the recordation package. Construction or as-built drawings (if available) would be reproduced on archival paper.

FINDING: The Regents finds that the implementation of the 2014 LRDP would result in significant impacts on historic Buildings 150 and 175 through demolition or visual intrusion from new building construction (see Draft and Final EIR Section 4.4). LRDP Mitigation Measure CR-2 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in an impact on historic resources that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

LRDP Impact CR-3: *Development under the 2014 LRDP could result in significant impacts on historic structures that have not been identified or that would become of historic age over the life of the plan.*

LRDP MM CR-3.

CR-3a: Prior to any project construction or demolition activities, the University shall ensure that all buildings and structures in the construction footprint have been adequately inventoried. If any of the inventoried structures are found to be historically significant and are to be retained, the University shall develop reuse or maintenance plans to identify the historic features of the building and prepare design guidelines based on the Secretary of Interior’s Standards and Guidelines for the Treatment of Historic Properties and to ensure that the buildings retain their historic, character–defining features.

CR-3b: If avoidance of direct or indirect impacts on (as yet unidentified) historic buildings is not possible, the University shall determine site specific mitigation measures. Historic documentation would be completed by professionals meeting the Secretary of the Interior’s Professional Qualification Standards for architectural history. Structures would be recorded to the standard established for the National Park Service’s Historic American Building Survey or Historic American Engineering Record. This would include high resolution digital photography of historic buildings in their current condition. Up to 20 archival black and white prints would be prepared as part of the recordation package. Construction or as-built drawings (if available) would be reproduced on archival paper.

FINDING: The Regents finds that the implementation of the 2014 LRDP could result in a significant impact on historic structures that have not been identified or that would become of historic age over the life of the plan (see Draft and Final EIR Section 4.4). LRDP Mitigation Measure CR-3 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in an impact on historic resources that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

3. Greenhouse Gas Emissions

LRDP Impact GHG-1: *Development under the 2014 LRDP would generate greenhouse gas emissions that would result in a significant impact on the environment.*

LRDP MM GHG-1. The University will develop a CAP for the RBC site within three years of the adoption of the 2014 LRDP or before construction on the first project under the 2014 LRDP commences, whichever comes first. The CAP will include campus-wide GHG reduction measures as well as a suite of project-level GHG reduction measures that will be incorporated into each building project, as appropriate, during the planning, design and construction of the project.

The climate action plan will include target emission rates per service person that are consistent with AB 32 and Executive Order S-3-05 emissions targets. The climate action plan will also implement specific control measures and programs to achieve these targets. These control measures and

programs will be developed specifically for each project based on its siting and design needs, but they will at minimum address these general topics:

- **Energy Efficiency:** minimize energy consumption to the extent possible through measures such as design guidelines for new buildings that require specific levels of energy efficiency, incentive programs for employees or departments to reduce energy use, programs to track energy use and discover opportunities to reduce waste, and landscaping or other features that provide shade or otherwise help reduce energy use.
- **Renewable Energy Generation:** investigate and develop opportunities for renewable energy generation on campus, whether solar, wind, or other sources.
- **Vehicle Trip Minimization:** encourage the use of carpools, shuttles, bicycles, or public transportation that provide resources for employees to access and use alternative transportation, and provide infrastructure that allows employees to interact or conduct meetings and business without traveling.
- **Renewable Fuel Vehicles:** encourage or require the use of renewable fuel vehicles such as by providing electric vehicle charging and compressed natural gas fueling stations, purchasing renewable fuel vehicles for the campus fleet, and providing preferential parking or other incentives for drivers using renewable fuel or hybrid vehicles.
- **Waste Reduction:** implement waste reduction, aggressive recycling goals with incentives, composting systems for general buildings and dining areas, guidelines for low waste construction and purchasing, and educational programs.

FINDING: The Regents finds that the implementation of the 2014 LRDP would generate greenhouse gas emissions that would result in a significant impact on the environment (see Draft and Final EIR Section 4.6 and Chapter 9, Master Response-11). LRDP Mitigation Measure GHG-1 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Because it is uncertain if the Executive Order S-3-05 targets would be achieved, the implementation of LRDP Mitigation Measure GHG-1 does not ensure the impact will be reduced to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in an impact related to greenhouse gas emissions that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

LRDP Impact GHG-2: *Development under the 2014 LRDP would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions.*

LRDP MM GHG-2. Implement LRDP MM GHG-1

FINDING: The Regents finds that the implementation of the 2014 LRDP would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions (see Draft and Final EIR Section 4.6 and Chapter 9, Master Response-11). LRDP Mitigation Measure GHG-2 is hereby adopted and incorporated into the Project. Implementation of this mitigation measure will reduce this impact, but not to a less-than-significant level. Because it is uncertain if the Executive Order S-3-05 targets would be achieved, the implementation of LRDP Mitigation Measure GHG-1 does not ensure the impact

will be reduced to a less-than-significant level. Therefore, the implementation of the 2014 LRDP may result in an impact related to a conflict with a GHG reduction regulation that is significant but unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant unavoidable environmental impacts of the Project for the reasons set forth in the “Statement of Overriding Considerations” in Section III, below.

4. Transportation and Traffic

LRDP Impact TRA-1: *Development under the 2014 LRDP would conflict with an applicable plan, ordinance, or policy establishing effectiveness measures for circulation system performance and would cause an exceedance of a level of service standard established for the study intersections under 2035 conditions.*

LRDP MM TRA-1. The University shall develop and implement a campus traffic mitigation program, a multi-component program to monitor trip generation, reduce peak-hour trips to the extent feasible, or participate in intersection improvements to mitigate off-site impacts at the intersections affected by the proposed project. Each component of this program is described below.

Travel Demand Management (TDM). To reduce on- and off-campus vehicle trips and resulting impacts, the University shall develop and implement a TDM program in consultation with the City of Richmond. The program will be adopted by the University following The Regents’ approval of the RBC LRDP. The TDM program will include measures to increase transit and shuttle use, encourage alternative transportation modes including bicycle transportation, implement parking policies that reduce demand, and other mechanisms that reduce vehicle trips to and from the campus. The University shall monitor the performance of RBC TDM strategies through annual surveys, and annually report on the implementation of TDM strategies, whether defined in the LRDP or in the TDM program.

Transit Enhancement. To enhance transit systems serving the campus, the University shall work cooperatively with AC Transit and other local agencies to coordinate service routes with existing and proposed shuttle and transit programs.

Sustainability and Monitoring. The University shall review individual projects proposed under the 2014 LRDP for consistency with UC sustainable transportation policy and the RBC TDM program to ensure that bicycle and pedestrian improvements, alternative fuel infrastructure, transit stops, and other project features that promote alternative transportation are incorporated into each project to the extent feasible.

Campus Traffic Impact Monitoring. The University shall conduct traffic counts at key RBC gateway locations no less frequently than every 5 years to determine campus-generated traffic. The University may undertake such traffic counts in connection with specific development projects at the RBC in order to inform signal warrant analyses and to help guide the selection of improvements that would mitigate significant traffic impacts.

Mitigation Payments. The University shall contribute funding on a fair-share basis (to be determined in consultation with the City of Richmond and Caltrans) for improvements to signalized and unsignalized intersections, roadway segments, and in connection with railroad crossings that are necessary to mitigate the RBC’s significant traffic impacts. Those improvements may include, but

are not limited to, new traffic signals, conversion of intersection approaches, conversion or optimization of traffic signal operations, and advance queue warning signs. The University's contribution, which shall be proportional to the University's responsibility for any traffic increases that necessitate mitigation, shall include funds for the design and construction of required improvements. When determining the University's contribution, the University's proportional responsibility for traffic impacts shall be measured through comparison to the traffic conditions that prevailed at the time of the LRDP's approval, as described and analyzed in the LRDP EIR's discussion of existing traffic conditions.

With respect to unsignalized intersections specifically, the University shall contribute funding on a fair-share basis—following University approval of traffic-inducing development at the RBC—for signal warrant analyses at unsignalized intersections significantly impacted by traffic resulting from the approved development. Data from the University's campus traffic impact monitoring counts, described above, may inform the signal warrant analyses. Those analyses would be used by the City to determine when a signal is needed.

When signal warrant analyses show that a signal is warranted and the City determines that the required intersection improvements are needed, the University shall reimburse the City on a fair-share basis for the required mitigation, including new traffic signals and related improvements at the intersection impacted by the project. Should the City determine that alternative mitigation strategies may reduce or avoid the significant impact, the University shall work with the City and Caltrans to identify and implement such alternative feasible measures on a fair-share basis.

FINDING: The Regents finds that the implementation of the 2014 LRDP would cause an exceedance of a level of service standard established for the study intersections under 2035 conditions (see Draft and Final EIR Section 4.13 and Chapter 9, Master Response-15). LRDP Mitigation Measure TRA-1 is hereby adopted and incorporated into the Project. If the City or Caltrans were to make improvements to the affected facilities, implementation of this mitigation measure would reduce this impact to less than significant. However, because the authority to ensure full implementation of the measure is within the jurisdiction of another public agency, The Regents' implementation of LRDP Mitigation Measure TRA-1 does not ensure the impact will be reduced to a less-than-significant level. Therefore, while The Regents believes that LRDP Mitigation Measure TRA-1 can and should be implemented, it concludes that implementation of the 2014 LRDP may result in an impact related to traffic and transportation that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the "Statement of Overriding Considerations" in Section III, below.

LRDP Impact TRA-2: *Development under the 2014 LRDP would conflict with an applicable plan, ordinance or policy establishing effectiveness measures for circulation system performance and would cause an exceedance of a level of service standard established for the study intersections under existing conditions.*

LRDP MM TRA-2. Implement LRDP MM TRA-1.

FINDING: The Regents finds that the implementation of the 2014 LRDP would cause an exceedance of a level of service standard established for the study intersections under existing conditions (see Draft and Final EIR Section 4.13). LRDP Mitigation Measure TRA-2 is hereby

adopted and incorporated into the Project. If the City or Caltrans were to make improvements to the affected facilities, implementation of this mitigation measure would reduce this impact to less than significant. However, because the authority to ensure full implementation of the measure is within the jurisdiction of another public agency, The Regents' implementation of LRDP Mitigation Measure TRA-2 does not ensure the impact will be reduced to a less-than-significant level. Therefore, while The Regents believes that LRDP Mitigation Measure TRA-2 can and should be implemented, it concludes that implementation of the 2014 LRDP may result in a traffic and transportation impact that is significant and unavoidable. The Regents finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the "Statement of Overriding Considerations" in Section III, below.

LRDP Impact TRA-3: *Development under the 2014 LRDP would conflict with an applicable plan, ordinance, or policy establishing effectiveness measures for circulation system performance and would cause an exceedance of a level of service standard established for Congestion Management Plan facilities (freeways) under 2035 conditions.*

LRDP MM TRA-3. Implement LRDP MM TRA-1.

FINDING: The Regents finds that the implementation of the 2014 LRDP would conflict with an applicable plan, ordinance, or policy establishing effectiveness measures for circulation system performance and would cause an exceedance of a level of service standard established for Congestion Management Plan facilities (freeways) under 2035 conditions. This significant impact would occur on the segment of I-580 between Central Avenue and I-80 in the westbound direction during the a.m. peak hour and in the eastbound direction during the p.m. peak hour (see Draft and Final EIR Section 4.13). Caltrans does not currently plan to widen this section of the freeway; the feasibility of freeway widening is unknown at this time and is not within the University's authority; and there is no other mitigation available for this impact. Thus, implementation of the 2014 LRDP may result in a significant and unavoidable traffic and transportation impact on this particular freeway segment. The Regents finds this significant and unavoidable impact to be acceptable because the benefits of the Project outweigh this and the other significant and unavoidable environmental impacts of the Project for the reasons set forth in the "Statement of Overriding Considerations" in Section III, below.

C. MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code Section 21081.6 requires the lead agency, when making the findings required by Public Resources Code Section 21081(1)(a), to adopt a reporting or monitoring program for the changes to the project which it has adopted, in order to ensure compliance during project implementation. A Mitigation Monitoring and Reporting Program has been prepared that requires the University to monitor mitigation measures designed to reduce or eliminate significant impacts, as well as those mitigation measures designed to further reduce environmental impacts that are less than significant. The Regents hereby adopts the Mitigation Monitoring and Reporting Program set forth in Volume II of the Final EIR, which includes all of the mitigation measures identified in the Final EIR and adopted and incorporated into the Project, and has been designed to ensure compliance during implementation of the 2014 LRDP.

The Mitigation Monitoring and Reporting Program designates responsibility and anticipated timing for the implementation of mitigation measures within the jurisdiction of the University. Implementation of the mitigation measures specified in the Final EIR and the Mitigation Monitoring

and Reporting Program will be accomplished through administrative controls over project planning and implementation. Monitoring and enforcement of these measures will be accomplished through verification in periodic Mitigation Monitoring Reports and periodic inspections by appropriate University personnel.

D. ALTERNATIVES

Chapter 6 of the Draft and Final EIR evaluated a range of reasonable alternatives to the 2014 LRDP. Chapter 9, Response to Comments on the Draft EIR, describes an additional alternative considered and rejected (Coastal Terrace Prairie Campus). The analysis examined the feasibility of each alternative, the environmental impacts of each alternative, and the ability of each alternative to meet the project objectives identified in Section 6.2 of the Draft EIR. In compliance with CEQA and CEQA Guidelines, the alternatives analysis included an analysis of a No Project Alternative and identified the environmentally superior alternative.

FINDING: The Regents certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the administrative record, and finds that the alternatives either fail to avoid or substantially lessen the Project's significant impacts (and in some cases increase those significant and unavoidable impacts) or are "infeasible" as that term is defined by CEQA and the CEQA Guidelines for the reasons set forth below.

1. Project Objectives

The Regents finds that the objectives for the 2014 LRDP are as described in Section 1.3 of the Draft EIR. The overall purpose of the proposed 2014 LRDP is to provide guidance for continuing and projected development and activities at the RBC site through 2050.

The specific objectives of the 2014 LRDP are as follows:

- Be within an approximately 20- to 25-minute commute from the existing LBNL main entrance at Blackberry Gate on Hearst Avenue; or an approximately 20 minute commute from UC Berkeley's main entrance at Oxford and University Avenue.
- Have development capacity for approximately 5.4 million gsf of laboratory, office, and support facilities and related utility and transportation infrastructure to support the University's research, teaching, and public service mission.
- Be in a safe and welcoming community with a positive civic expression of interest in development of the site.
- Be readily accessible to a variety of modes of public transportation, inclusive of local buses, mass transit (Bay Area Rapid Transit [BART], Amtrak, and Alameda-Contra Costa [AC] Transit), and shuttle services, and allow safe bicyclist access from designated bicycle routes.
- Allow for electrical, natural gas, and water utilities for the lowest possible cost.
- Allow for establishment of a design framework for development of a state-of-the-art research campus that will be the location of choice for internationally recognized researchers.

- Foster synergy and collaboration between UC Berkeley and LBNL in and across disciplines and institutions in both the public and private sectors.
- Provide sustainable land use and circulation patterns which maximize density to reduce overall building footprints and conserve open space, and maximize bicycle, pedestrian and shuttle services allow for placement and massing of buildings to maximize shared views.
- Facilitate efficient constructability of facilities (buildings, parking structures, bridges, etc.), infrastructure development (roads, underground utilities, pedestrian walkways, etc.), and open space.
- Foster connectivity with the surrounding community.
- Leverage capital investment for environmental stewardship.

2. Alternatives to the Proposed 2014 LRDP

The Draft EIR evaluated four alternatives to the Project: (a) Alternate Development Program; (b) Reduced Growth Program; (c) Alameda Point Alternative; (d) No Project Alternative. Pursuant to suggestions from those who commented on the Draft EIR, the Final EIR and Master Response 16 evaluated a fifth alternative—(e) Coastal Terrace Prairie Campus Alternative—but found this alternative infeasible for failing to meet basic project objectives and for this reason did not analyze this alternative in detail.

a) Alternate Development Program

Under this alternative, the 2014 LRDP would be modified to include a large-scale future scientific facility or machine with certain unique features/characteristics and utility demands. Such facilities exist at LBNL and other National Laboratories; they are often cutting-edge “user facilities” that attract nationwide and international researchers. These facilities are typically unique and take many forms; at LBNL, user facilities include an electron microscope facility, a light-source synchrotron, a supercomputing center, and a nanoscience laboratory. For this RBC alternative, the University has no particular type of scientific facility in mind, but to keep a wide variety of future options open, there are certain characteristics that would be assumed for planning purposes: the future scientific facility would be housed in a large, dedicated building or buildings; it would likely require generous amounts of utilities, particularly energy for heating, cooling, back-up power, and heavy machinery; and it should have the ability to lay out in a lengthy footprint that could include tunneling or trenching.

Including this facility as part of the RBC would not exceed the total building space that is anticipated under the Project, an increase from approximately 1,050,000 gsf at the present time to 5,400,000 gsf at full implementation. Also, this alternative would demolish and retain the same amount of existing building space as would the Project. The campus population would also increase in the same manner under this alternative as the Project from approximately 300 persons in 2012 to approximately 10,000 persons in 2050. Under this alternative, approximately 108 acres of the RBC upland parcels would be developed, and approximately 25 acres of the upland parcels would be preserved as natural open space. Land uses under this alternative would be the same as those included in the Project.

FINDING: The Regents finds that the Alternate Development Program is environmentally inferior to the Project because, while the Alternate Development Program meets all of the University's objectives, it would result in potentially greater impacts to biological resources, air quality, and greenhouse gas emissions. Given that the significant impacts of the Alternate Development Program would be greater than the Project's impacts and would not avoid or substantially lessen any of the significant effects of the Project, The Regents decline to adopt this alternative pursuant to CEQA Guidelines § 15021(a) and 15126.6(c).

b) Reduced Growth Program

Under the Reduced Growth Program, the 2014 LRDP growth parameters for RBC development and population would be lower than those for the Project. The amount of building space under this alternative would increase from the RBC site's current 1,050,000 gsf to 3.6 million gsf at full 2014 LRDP implementation. The total site population would increase from its current 300 persons to an estimated 8,400 persons at full implementation of this alternative. Under this alternative, approximately 108 acres of the upland parcels on the RBC would be developed, and approximately 25 acres of the upland parcels would be preserved as natural open space. Land uses under this alternative would be the same as those under the Project. As less building space would be constructed on the site's 108 acres designated for development, development density under this alternative would be lower than under the Project.

FINDING: Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), The Regents finds that the Reduced Growth Program is infeasible because it does not meet the University's basic objective to provide campus development capacity of up to approximately 5.4 million square feet of new facilities and because it would hinder the University's achievement of other basic objectives of the Project, such as allowing for economies of scale in developing utilities for the lowest possible cost and maximizing density while still preserving views and creating a welcoming campus atmosphere. The air quality and greenhouse gas emission impacts of the Reduced Growth Program would, furthermore, remain significant and unavoidable. Thus, although the Reduced Growth Program would incrementally reduce some of the Project's significant environmental impacts, those relatively minimal reductions in adverse impacts would be outweighed by the detrimental results of a substantial decrease in the Project's developable area—a decrease that would make development of the Richmond Bay Campus significantly less economically attractive and unlikely to fulfill the spatial needs of UC Berkeley and LBNL. The Regents therefore rejects this alternative because it would generate significant and unavoidable environmental impacts (only slightly reduced in their intensity compared to the Project) while failing to meet essential Project objectives.

c) Alameda Point Alternative

Under the Alameda Point Alternative, the new campus would be developed in the City of Alameda at Alameda Point (which is a portion of the former Naval Air Station Alameda). The site consists of approximately 124 acres. Development at this site would also be guided by an LRDP which would provide for the development of 5.4 million gsf of building space at full implementation. The campus population would be approximately 10,000 persons in 2050. Development at this location would be guided by planning principles and objectives similar to those identified for the Project. Under this alternative, all 124 acres of the site would be developed.

FINDING: The Regents finds that the Alameda Point Alternative is environmentally inferior to the Project because, while the Alameda Point Alternative would meet the University's project objectives, it would result in potentially greater impacts to traffic and transportation, noise, aesthetics and visual quality, and hydrology and water quality. Impacts associated with biological resources, air quality, greenhouse gas emissions, and traffic, moreover, would remain significant and unavoidable with implementation of the Alameda Point Alternative. Therefore, pursuant to CEQA Guidelines § 15021(a), The Regents rejects the Alameda Point Alternative because it would exacerbate certain impacts and would not avoid or substantially lessen the Project's significant effects.

d) No Project Alternative

The CEQA Guidelines require consideration of a No Project Alternative. Under the No Project Alternative here, the University would not adopt the 2014 LRDP for the RBC or for any other site. The amount of building space and the employee population at the University's Richmond properties would remain at their current levels. Should UC Berkeley or LBNL propose any development or environmental remediation activities at the RBC site, the University would prepare any required CEQA documentation on a project-specific basis.

FINDING: Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), The Regents finds that the No Project Alternative is infeasible and hereby reject that alternative. While the No Project Alternative would not result in impacts to any of the resource areas, it would also not meet the University's stated need and purpose for the new campus, and as such, would not satisfy any of the objectives set forth for the Project. The No Project Alternative's failure to meet any of the University's objectives renders it infeasible.

e) Coastal Terrace Prairie Campus Alternative

In response to various comments on the Draft EIR, the University prepared an analysis of an alternative that would designate considerably more land as Natural Open Space and would remove Lark Drive to allow a fully contiguous prairie in that portion of the site. (Final EIR, Master Response-16.)

FINDING: Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), The Regents finds that the Coastal Terrace Prairie Campus Alternative, as examined in the FEIR and in Master Response 16, is infeasible because it would not meet many of the basic project objectives. In order to provide 5.4 million square feet of development capacity, buildings would need to be considerably taller and more expensive, reducing their efficiency while producing more substantial aesthetic impacts in the surrounding community, preventing the maximization of shared views, and presenting a less welcoming campus. The removal of Lark Drive would also pose major difficulties for circulation within the site and would intensify traffic impacts in certain areas. Moreover, while the Coastal Terrace Prairie Campus Alternative would reduce impacts on sensitive natural communities, the Draft EIR and Final EIR determined that the mitigation measures associated with the coastal terrace prairie would reduce those impacts to less than significant levels. Therefore, this alternative would not avoid or substantially lessen any of the Project's significant impacts; it would merely reduce one of the Project's already less

than significant impacts. For these reasons, the Regents rejects the Coastal Terrace Prairie Campus Alternative.

f) Other Proposed Alternatives

FINDING: The Regents finds that with respect to other alternatives suggested in comments on the Draft EIR, the Responses to Comments adequately explain why the suggested alternatives are infeasible and thus are not recommended for adoption. The Regents hereby adopt and incorporate by reference the reasons stated in the Responses to Comments as the grounds for finding these suggested alternatives to be infeasible.

g) Environmentally Superior Alternative

FINDING: While The Regents finds that the No Project Alternative is the environmentally superior alternative because it would avoid many of the significant environmental impacts of the development that would occur under the proposed 2014 LRDP, The Regents also find that the No Project Alternative is infeasible pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3) because it would not meet any of the basic project objectives. CEQA Guidelines Section 15126.6(e)(2) requires that if the environmentally superior alternative is the no project alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. Therefore, the Draft EIR identified the Reduced Growth Program as the environmentally superior alternative. The Reduced Growth Program would avoid many of the significant environmental impacts of the development that would occur under the proposed 2014 LRDP. The Reduced Growth Program would also reduce the magnitude of the impacts associated with construction and operation activities relative to the other action alternatives, while achieving some of the project objectives. The Reduced Growth Program, however, does not meet many of the basic project objectives and is therefore infeasible. The University would, furthermore, be required to develop alternative solutions to provide development capacity up to approximately 5.4 million square feet, which would result in impacts that cannot be known at this time.

The Regents further finds that of the remaining alternatives evaluated in this Final EIR, each has varying levels of impacts on different environmental resources, as noted in the Findings above, and none of the remaining alternatives is superior to the Project for CEQA's purposes. When compared to those alternatives, the 2014 LRDP provides the best available and feasible balance between maximizing attainment of the project objectives and minimizing significant environmental impacts, and it is the environmentally superior alternative among those options.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Impacts that Remain Significant

As discussed above, The Regents has found that the following impacts of the 2014 LRDP will remain significant, either in whole or in part, following adoption and implementation of the mitigation measures described in the Final EIR:

Environmental Impact Area	Impact
Air Quality	<ul style="list-style-type: none"> • Operational emissions may exceed air quality standards (see Draft EIR p. 4-39, LRDP Impact AIR-2) • Operational emissions would expose people to substantial levels of TACs (see Draft EIR p.4-43, LRDP Impact AIR-4) • Cumulative emissions may exceed air quality standards (see Draft EIR p. 4-48, Cumulative Impact AIR-1) • Cumulative PM_{2.5} emissions may result in a significant human health effect (see Draft EIR p. 4-52, Cumulative Impact AIR-2)
Cultural Resources	<ul style="list-style-type: none"> • Construction or visual intrusion impacts on historic Buildings 150 and 175 (see Draft EIR p. 4-102, LRDP Impact CR-2) • Impacts on historic structures that have not been identified or that would become of historic age over the life of the plan (see Draft EIR p. 4-103, LRDP Impact CR-3)
Greenhouse Gas Emissions	<ul style="list-style-type: none"> • Greenhouse gas emissions that would result in a significant impact on the environment (see Draft EIR p.4-134, LRDP Impact GHG-1) • Impact from conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions (see Draft EIR p.4-137, LRDP Impact GHG-2)
Transportation and Circulation	<ul style="list-style-type: none"> • Impacts from conflict with an applicable plan, ordinance, or policy establishing effectiveness measures for circulation system performance and exceedance of LOS standard established for the study intersections under 2035 conditions (see Draft EIR p. 4-248, LRDP Impact TRA-1) • Impacts from conflict with an applicable plan, ordinance, or policy establishing effectiveness measures for circulation system performance and exceedance of LOS standard established for the study intersections under existing conditions (see Draft EIR p. 4-235, LRDP Impact TRA-2) • Impacts from conflict with an applicable plan, ordinance, or policy establishing effectiveness measures for circulation system performance and exceedance of LOS standard established for Congestion Management Plan facilities (freeways) under 2035 conditions (see Draft EIR p. 4-235, LRDP Impact TRA-3)

B. Overriding Considerations

In accordance with CEQA Guidelines Section 15093, The Regents has, in determining whether or not to approve the Project, balanced the economic, social, technological and other benefits of the Project against its significant unavoidable environmental risks, and has found that the benefits of the project outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. This statement of overriding considerations is based on The Regents' review of the Final EIR and other information in the administrative record, including but not limited to the 2014 LRDP. The benefits of the Project include the following:

- Advance LBNL and UC Berkeley's tradition of world class science by expanding their strong partnership to the cooperative development of the new campus, in order to augment accomplishments and contributions of both institutions in the fields of human health, the economy, energy, and the environment.
- Create a premiere research campus as a base for building partnerships on a physically attractive and open site supporting and complementing the teaching, research, and public service programs of UC Berkeley and LBNL.
- Provide sufficient research, education, and support expansion space to foster synergy and collaboration within and across disciplines and institutions in both the public and private sectors.
- Catalyze new discoveries, economic revitalization, and community vibrancy by facilitating inspiration along the full spectrum of the research and development enterprise and fostering connectivity with the surrounding community.
- Beneficially affect Coastal Terrace Prairie grasslands, an otherwise deteriorating resource at the Richmond Field Station as evidenced in the record.
- Redress historic contaminants at the RFS site.
- Encourage the growth of the South Shoreline area by developing the RBC site consistent with the City of Richmond's vision for the site and vicinity as evidenced in the City of Richmond 2012 General Plan.

Considering all factors, The Regents finds that there are specific economic, legal, social, technological and other considerations associated with the Project that outweigh the Project's significant unavoidable effects, and that those significant adverse effects are therefore considered acceptable.

IV. RECORD OF PROCEEDINGS

The record of proceedings upon which The Regents bases these findings consists of all the documents and evidence relied upon by the University in preparing the proposed 2014 LRDP and the 2014 LRDP EIR. The custodian of the record of proceedings is: LBNL Environmental Planning Group office, located at One Cyclotron Road, MS 76-234A, Berkeley, California, 94720.

V. SUMMARY

Based on the foregoing Findings and the information contained in the record, The Regents has made one or more of the following Findings with respect to the significant environmental effects of the proposed 2014 LRDP as described in the Final EIR:

- 1) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.
- 2) Changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.
- 3) Specific economic, legal, social, technological, or other considerations make infeasible certain mitigation measures and alternatives.

Based on the foregoing Findings and the information contained in the record, it is hereby determined that:

- 1) All significant effects on the environment due to approval of the 2014 LRDP have been eliminated or substantially lessened to the extent feasible for the reasons set forth in Section II (B) of these Findings.
- 2) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section III, above.

VI. APPROVALS

The Regents hereby takes the following actions:

A. The Regents certifies the Final EIR, as described in Section I, above.

B. The Regents hereby adopts as conditions of approval of the 2014 LRDP all mitigation measures within the responsibility and jurisdiction of the University set forth in Section II of the Findings, above.

C. The Regents hereby adopts the Mitigation Monitoring and Reporting Program for the Project accompanying the Final EIR and discussed in Section III.E of the Findings, above.

D. The Regents hereby adopts the Findings in their entirety as set forth in Section II - V, above, including the Statement of Overriding Considerations.

E. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, incorporated mitigation measures into the Project, and adopted the Mitigation Monitoring and Reporting Program and the foregoing Findings and Statement of Overriding Considerations, the Regents hereby approves and adopts the Richmond Bay Campus 2014 Long Range Development Plan.



**JOINT STATEMENT OF COMMITMENT TO STRENGTHEN COMMUNITY PARTNERSHIPS BETWEEN
UC BERKELEY, LAWRENCE BERKELEY NATIONAL LABORATORY,
AND THE RICHMOND COMMUNITY**

WHEREAS, the University of California, Berkeley (UC Berkeley) and the Regents of the University of California as manager and operator of Lawrence Berkeley National Laboratory (LBNL) are institutions committed to the advancement of higher education and profound discovery, and each is an important contributor to scientific research that stimulates economic growth; and

WHEREAS, on July 26, 2011, following the March proposal submissions from the City of Richmond and from UC Berkeley to locate the proposed LBNL second campus at UC Berkeley's Richmond properties, the City of Richmond and the greater Richmond Community showed significant public support for the development of a second campus for LBNL and UC Berkeley, with over 700 community members and local stakeholders attending a gathering at the Richmond Auditorium; and

WHEREAS, on January 23, 2012, UC Berkeley and LBNL announced the UC Berkeley Richmond properties as the preferred site to develop the Richmond Bay Campus in support of advanced research and development of cutting-edge technology and to accommodate future growth; and

WHEREAS, two of the goals of the Long Range Development Plan (LRDP) for the Richmond Bay Campus are to create a premiere research campus as a base for building partnerships on a physically attractive and open site supporting and complementing the teaching, research and public service programs of UC Berkeley and LBNL, and, to catalyze new discoveries, by facilitating inspiration along the full spectrum of the scientific research and development enterprise and fostering connectivity with the surrounding community; and

WHEREAS, UC Berkeley is currently a member of the Richmond community with one million square feet of development and approximately 300 employees at the Richmond Field Station and Regatta properties, and over the 40-year projected development horizon for the Richmond Bay Campus, the campus can grow to up to 5.4 million square feet with a potential employment of up to 10,000 people; and

WHEREAS, UC Berkeley and LBNL are significant local employers, committed to strengthening communities and creating an atmosphere that can expand and support innovation; and

WHEREAS, UC Berkeley and LBNL share the City of Richmond's vision of the Richmond Bay Campus as an economic engine for long-term economic revitalization, job creation and business development for the City and the region; and

WHEREAS, UC Berkeley and LBNL are active partners and stakeholders with the City of Richmond in the development of the South Shoreline Specific Plan, a plan designed to capture the stimulation and growth that is spurred from the Richmond Bay Campus, and the Richmond Transportation Connectivity Plan designed to assess the capacity of the local and regional transportation network and develop recommendations for improving multi-modal connectivity between the South Shoreline (including Richmond Bay Campus), Central Richmond neighborhoods, and neighboring cities; and

WHEREAS, the UC Berkeley, part of a statewide constitutional corporation and public trust, commits to 1) supporting the training, recruitment and employment of qualified local residents while legally prohibited from adopting mandatory workforce requirements based upon residency, 2) paying prevailing wages, 3) awarding construction projects pursuant to a transparent process, and 4) meeting federal and state regulations for employment and contracting; and

WHEREAS, the University of California system has campuses with regional projects of this scale that have voluntarily set goals to employ local residents; and

WHEREAS, UC Berkeley and LBNL, as public institutions, are committed to transparency and open communication regarding our research and safety; and the long-term growth of the proposed Richmond Bay Campus is enhanced by communication with the community about our plans as development evolves; and

WHEREAS, UC Berkeley and LBNL engaged in a two-year community process that entailed citywide meetings; neighborhood presentations; and meetings with community stakeholders and community-based organizations, during which recurring themes were a desire to strengthen partnerships and expand community programs in the areas of education, local employment, procurement and workforce training; and

WHEREAS, the City of Richmond, the West Contra Costa Unified School District in partnership with Contra Costa County, Contra Costa College, and community based organizations have been working to address income, health and education equity, and with 28% of Richmond children living in households under the poverty line, and approximately half the graduates from Richmond's three high schools not pursuing further education, UC Berkeley and LBNL have partnered to support education in Richmond with STEM education programs, engaged

scholarship and research, leadership development, public service, college advising, work-based learning, and life-long learning programs; and,

WHEREAS, the City of Richmond has a strong network of community based organizations, city programs, and active community stakeholders engaged in community planning who have expressed interest in participating in an ongoing engagement process with UC Berkeley and LBNL that is accountable to agreed-upon goals;

THEREFORE BE IT RESOLVED that UC Berkeley and LBNL will ensure on-going coordination and partnerships by establishing a Richmond community partnership Working Group to be co-chaired and staffed by UC Berkeley and LBNL personnel. The Working Group will develop recommendations and proposals for inclusion in a Richmond Partnership Commitment within the defined scope of education, local employment, procurement and workforce training. Members of the Working Group will be representative of the Richmond community and organizations that are actively engaged in the above defined scope of work. UC Berkeley and LBNL will establish a selection process; members will be appointed to a minimum 2-year term by UC Berkeley and LBNL and the Working Group will establish protocols for evaluation and monitoring within the defined scope stated above. The Working Group will engage with the community immediately to develop recommendations and proposals for implementation plans with benchmarks, and when appropriate, recommendations for legally binding memoranda of understanding; and

BE IT FURTHER RESOLVED that UC Berkeley will work with WCCUSD, Contra Costa College, City of Richmond, and community-based organizations delivering early childhood education through adult education programs to strengthen partnerships in support of Richmond's educational goals including, but not limited to, support of early childhood education, WCCUSD Strategic Plan, Science, Technology, Engineering, Arts and Math (STEAM) education programs, engaged scholarship and research, leadership development, public service, college advising, work-based learning, internships, and life-long learning programs, and

BE IT FURTHER RESOLVED that LBNL will continue to designate Richmond as a core community for its educational resources, including K-8 programs, high school and community college internships; undergraduate research opportunities; and to target LBNL STEM education resources most effectively in Richmond; and

BE IT FURTHER RESOLVED that UC Berkeley and LBNL commit to helping to prepare Richmond residents-children, youth and adults- for college and careers by enhancing education and outreach programs with staff, faculty, students, in partnership with the Richmond community; and

BE IT FURTHER RESOLVED that UC Berkeley and LBNL will cooperate and collaborate with existing workforce training organizations community colleges and the City of Richmond — considering programs such as Richmond’s Department of Employment & Training, Richmond BUILD, Contra Costa College in San Pablo, Richmond and Contra Costa County Workforce Development Boards, California approved joint labor management apprenticeship programs, Helmets to Hard Hats, local nonprofits, foundations, community based organizations, and others — to support training Richmond residents for meeting the ongoing and future employment needs of our two institutions.

BE IT FURTHER RESOLVED that UC Berkeley and LBNL, will provide economic opportunities to Richmond residents by taking the following steps to address local hiring and procurement:

1. Voluntarily set and monitor a local-hire goal, to be based on the UCSF local-hire model, for construction and infrastructure improvements, for non-DOE funded construction. This model will also consider local-hire practices within the City of Richmond; and
2. Require third party developers to pay prevailing wage for non-DOE funded construction contracts and meet UC Berkeley’s local hire goals on buildings that will be substantially occupied by UC Berkeley; and
3. Work with the City of Richmond Department of Employment & Training to access contact and work-readiness information for qualified Richmond trades workers and apprentices; and
4. Work with community organizations, small business development programs, and workforce training programs to assist Richmond residents to respond effectively to opportunities at the main campuses and at the proposed Richmond Bay Campus; and
5. Develop best practices for proactive outreach and marketing of procurement and employment opportunities for Richmond residents for any Richmond Bay Campus-related development opportunity; and
6. Meet with community organizations in Richmond to develop strategies that assist women, minority, and veteran-owned small businesses to respond more effectively to currently available contract opportunities; and to report on these strategies to the Richmond Community Partnership working group; and

BE IT FURTHER RESOLVED that UC Berkeley and LBNL will establish a Richmond Community Partnership grant-making fund in Fiscal Year 2014-2015. UC Berkeley, which currently conducts research and operates programs at the Richmond Field Station, will seed this fund with an

initial contribution of \$50,000 per year. LBNL, will seed this fund with an initial contribution of \$25,000 per year. UC Berkeley and LBNL will increase contributions to the fund as the Richmond Bay Campus development expands to a sum not to exceed an annual contribution of \$300,000 per year upon full implementation of the Long Range Development Plan, and will seek, as appropriate, other private and philanthropic opportunities to match, leverage, and increase funds available to grow partnerships between Richmond community organizations, UC Berkeley and LBNL.

BE IT FURTHER RESOLVED that UC Berkeley, as the property manager, will collaborate with the City of Richmond per the *Framework and Memorandum of Understanding* on infrastructure, municipal and emergency services, and the balancing of employment generation resulting from the Richmond Bay Campus Project with the City's housing opportunities and policies in the South Shoreline Specific Plan and nearby areas.

BE IT FURTHER RESOLVED that LBNL's commitments to the above are subject to the Department of Energy rules, regulations, and the management contract between the Department of Energy and the Regents of the University of California and nothing herein shall be construed as a commitment of future funding from the Department of Energy

Therefore on this day 22 of April 2014, the University of California, Berkeley and Lawrence Berkeley National Laboratory hereby commit to pursue the above-referenced community partnership efforts, which will provide mutual benefits to the Richmond community, UC Berkeley, and Lawrence Berkeley National Laboratory.



Nicholas Dirks

Chancellor, UC Berkeley



A. Paul Alivisatos

Director, Lawrence Berkeley National Laboratory

**FRAMEWORK AGREEMENT AND MEMORANDUM OF UNDERSTANDING
FOR THE INFRASTRUCTURE DEVELOPMENT AND MUNICIPAL SERVICES FOR THE
RICHMOND BAY CAMPUS**

This Framework Agreement and Memorandum of Understanding for the Richmond Bay Campus (this “Agreement”), dated and made effective as of _____, 2014, is made and entered into by and among the City of Richmond, a municipal corporation (the “City”), and the Regents of the University of California, a public corporation (the “University”), that operates the Berkeley campus. City and University are sometimes referred to herein individually as a “Party” and collectively as the “Parties.” The commitments by the University referred to in this agreement are intended to be commitments of the Berkeley campus, as the Chancellor of the Berkeley campus has delegated authority to administer the Richmond Field Station and other properties within the City (the “Richmond Properties”). The Berkeley campus intends to request that the University’s Board of Regents approve a new Long Range Development Plan for the Richmond Properties, are proposed to be designated as the Richmond Bay Campus (the “Project”).

WHEREAS, on March 4, 2011, the City submitted a proposal to the Lawrence Berkeley National Laboratory (“LBNL”) for the Richmond Field Station of the University to become the future location of an LBNL second campus; and

WHEREAS, on January 23, 2012, LBNL announced its selection of the Richmond Field Station and other Richmond Properties of the University as the preferred site for a future LBNL second campus; and

WHEREAS, the Project being studied is described as consisting of an innovation campus of up to approximately 5.4 million square feet of new research, development, and support space and an employee population of 10,000; and

WHEREAS, the Draft Environmental Impact Report (“EIR”) for the Project was made available on November 15, 2013, and the comment period closed on January 21, 2014; and

WHEREAS, the proposed Project can play an important role in providing the space for new developments, partnerships, and opportunities; and

WHEREAS, the University and the City have been collaborating to address mutual planning considerations and concerns of the Richmond community; and

WHEREAS, the University is scheduled to consider certification of a Final EIR and approval of the Project at the May 2014, Regents meeting;

NOW, THEREFORE, City and University agree as follows:

1. **Purpose of this Agreement.** This Agreement is intended as an expression of preliminary points of agreement among the Parties related to the siting, development, and implementation of the proposed **Project** and impacts from the Project. Subsequently, the Parties contemplate that

more specific terms may be negotiated which may be based, in whole or in part, on the information or conclusions in the Final EIR (including potential modifications arising as a result of the Project implementation process) and documented in a subsequent memorandum of understanding or other definitive agreement.

2. **No Commitment to the Proposed Project.** This Agreement does not authorize the proposed construction of the Project or any other construction in support thereof and will not result in either a direct or reasonably foreseeable indirect physical change in the environment; rather, this Agreement only commits the Parties to certain obligations related to collaborative planning and funding considerations for implementation of the Project. University, pursuant to the California Environmental Quality Act (“CEQA”), has commenced preparation of an EIR to evaluate the potential environmental impacts of the proposed Project. No construction will be authorized and no change to the physical environment shall be caused by this agreement.

3. **Good Faith Efforts to Negotiate.** The Parties shall negotiate and cooperate in good faith for the purposes specified herein, consistent with all applicable law. For illustrative purposes only, this would include, but not be limited to contributions pursuant to California Government Code Section 54999 (with regard to any public utility capital facilities fees); CEQA and case law including *City of Marina v. Board of Trustees*, 39 Cal. 4th 341 (2006) (with regard to the sharing of costs for infrastructure improvements and municipal services and similar purposes); and similar contributions consistent with purposes of this agreement. Furthermore, the Parties shall use reasonable efforts to obtain any third-party consent, authorization, or approval required in connection with the matters contemplated hereby.

4. **Term.** The Term of this Agreement (the “**Term**”) shall commence on the Effective Date, and shall terminate upon the earlier to occur of the following: (i) subsequent superseding mutual written agreement of the Parties; (ii) early termination as provided in Section 11; or (iii) execution of a subsequent memorandum of understanding or other definitive agreement among the Parties.

5. **Planning Collaboration.** The Parties shall endeavor in good faith to address consistency and coordination between the City’s eventual South Shoreline Specific Plan (the “**SSSP**”), its eventual South Richmond Transportation Connectivity Plan (“**SRTC**”), both of which are in the preliminary planning stages and have not undergone CEQA review, and the University’s Project, with regard to matters including but not limited to:

(a) Processing of applications for land use entitlements and other necessary governmental authorizations pursuant to the City’s implementation of the SSSP, SRTC, the University’s implementation of the Project, and joint public engagement in the respective land use planning processes of the Parties;

(b) Public access to Project site, including principal and minor arterial roads, the San Francisco Bay Trail, bicycle and pedestrian circulation, ferry and public transit connections;

(c) Historical preservation;

(d) Clean energy, green building requirements, sustainability planning standards, and development of a climate action plan;

(e) Growth assumptions modeling, and projections that may be developed as part of future planning processes; and

(f) Electrical, telecommunication, fiber, wastewater service (including storm water and sanitary sewer), and other utilities.

6. **Infrastructure Planning and Equitable Proportionate Share Funding Contributions.**

(a) **Responsibility.** The Parties shall endeavor in good faith to both plan collaboratively and determine contributions for proportionate share funding for some or all of the public infrastructure and amenities which may be required for the proposed Project, including: (i) determining the nature and scope of infrastructure required by the Project; (ii) planning and developing these infrastructure improvements; and (iii) securing private financing, assessment based financing, tax increment financing, infrastructure development bonds and grant funding for required infrastructure.

(b) **Possible Infrastructure Improvements.** The Parties shall collaborate, consider, and engage in discussions with regard to infrastructure planning, financing of capital improvements and enhanced provision of services to the Project related to:

(i) Future ferry service;

(ii) Wastewater service, including storm water and sanitary sewer;

(iii) Transportation demand management and multi-modal coordination, including but not limited to roadway and overpass improvements and public transit;

(iv) Infrastructure phasing; and

(v) Electrical, telecommunication, fiber, and other utilities.

(c) **Allocation of Responsibility.** The Parties shall collaborate to address allocation of responsibility, with the goal that at a minimum, the University will bear responsibility for its proportional share financial contribution for infrastructure improvements necessary to support the Project or to mitigate significant direct and indirect environmental impacts as identified in the Draft and Final EIR for the items set forth in this Agreement.

7. **Affordable and Workforce Housing Needs.** The Parties shall collaborate to address the balancing of employment generation and housing impacts from the Project with the City's housing opportunities, workforce housing needs, and the City's SSSP, which is presently preliminary and has not undergone CEQA review.

8. **Municipal Services.** The Parties shall collaborate in good faith to monitor and assess the economic benefits from the Project, and discuss the sharing of police, fire, and emergency mutual aid costs.

9. **Environmental Remediation and Monitoring for Existing Industrial Uses.** The Parties shall collaborate to address the allocation of any potential remediation costs related to the off-Project site infrastructure and improvement properties.

10. **Expenses.** Each Party shall bear its own costs and expenses (including but not limited to legal fees and consultant costs) in connection with this Agreement and the activities contemplated hereby, except as otherwise expressly provided herein.

11. **Amendment.** This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the Parties.

12. **Default; Termination.**

(a) **Process.** This Agreement may be terminated at any time by mutual written consent of the Parties. Any Party shall have the right to terminate this Agreement upon its good faith determination that another Party is not proceeding diligently and in good faith to carry out its obligations hereunder. The non-defaulting Party shall exercise such right by providing at least thirty (30) days' advance written notice to the defaulting Party which notice shall describe the nature of the default hereunder. Notwithstanding the foregoing, if the defaulting Party commences to cure such default within such 30-day period and diligently prosecutes such cure to completion within the earliest feasible time but not later than sixty (60) days following the date of the notice, this Agreement shall remain in effect.

(b) **Effect of Termination.** Upon termination as provided herein, or upon the expiration of the Term and any extensions thereof, this Agreement shall forthwith be void, and there shall be no further liability or obligation on the part of any of the Parties or their respective officers, employees, agents or other representatives; provided however, the provisions of Section 10 (Expenses), Section 14 (Confidentiality), and Section 15 (Indemnification) shall survive such termination.

13. **Legal Action.** Any Party may institute legal action to cure, correct, or remedy any default, enforce any covenant or agreement in this Agreement, enjoin any threatened or attempted violation thereof, and enforce by specific performance the obligations and rights of the Parties thereto. The sole and exclusive remedy for any default or violation of this Agreement will be specific performance.

14. **Confidentiality; Dissemination of Information.** During the Term, each Party shall obtain the consent of the other Parties prior to issuing or permitting any of its officers, employees or agents to issue any press release or other information to the press with respect to this Agreement; provided however, no Party shall be prohibited from supplying any information to its representatives, agents, attorneys, advisors, financing sources, or others to the extent necessary to accomplish the activities contemplated hereby so long as such representatives, agents, attorneys, advisors, financing sources, or others are made aware of the terms of this Section. Nothing contained in this Agreement shall prevent any Party at any time from furnishing any required information to any governmental entity or authority pursuant to a legal requirement or from complying with its legal or contractual obligations. The Parties each agree to maintain the confidentiality of the studies, analyses, reports and correspondence prepared in connection with the Agreement to the fullest extent permitted by law. However, any confidential information that the Parties may be obligated to disclose under California Public Records Act (California Government Code Sections 6250 et seq., the "Act") may be released and disclosed by the Parties pursuant to the Act, and any such release or disclosure shall not in any way constitute a breach of this Agreement, nor shall the Parties be liable for such release or disclosure.

15. **Indemnification.** University agrees to indemnify and hold harmless the City for the University and/or LBNL's share of any and all liability, as determined by a court of law, for any damage or injury of or to any person or the property of any person, including attorneys' fees, arising out of the willful misconduct or the negligent acts, errors or omissions of the University its officers, or employees in the performance of this Agreement. City agrees to indemnify and hold harmless the University for the City's share of liability, as determined by a court of law, for any damage or injury of or to any person or the property of any person, including attorneys' fees, arising out of the willful misconduct or the negligent acts, errors, or omissions of the City in the performance of this Agreement.

16. **Governing Law; Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of California without regard to principles of conflicts of laws. All disputes arising hereunder shall be heard in courts having jurisdiction in Contra Costa County, California.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY

**CITY OF RICHMOND,
a municipal corporation**

By: _____

Name: _____
Bill Lindsay, City Manager

ATTEST:

By: _____
Diane Holmes, City Clerk

APPROVED AS TO FORM:

By: _____
Bruce Reed Goodmiller, City Attorney

UNIVERSITY

**UNIVERSITY OF CALIFORNIA,
a _____**

By: _____

Name: _____
[Title]