

UC Berkeley – Housing Project #2: People’s Park, Berkeley Campus
CEQA FINDINGS – September 2021
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT REGARDING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
HOUSING PROJECT #2: PEOPLE’S PARK
State Clearinghouse No. 2020040078**

I. CERTIFICATION

The University of California (“University” or the “Regents”) certified the Final Environmental Impact Report (“Final EIR” or “EIR”) for the University of California, Berkeley (“UC Berkeley”) 2021 Long Range Development Plan (“LRDP”, herein referred to as the “LRDP Update”), and the Housing Project #1 and Housing Project #2 components of the LRDP Update. The Final EIR consists of the Draft Environmental Impact Report (“Draft EIR”), comment letters, responses to comments, text changes to the Draft EIR, Continuing Best Practices (“CBPs”) and the Mitigation Monitoring and Reporting Plan (“MMRP”). The Final EIR provides a program-level analysis of the LRDP Update. In addition, the Final EIR includes project-level analysis for the following projects: Housing Project #1 and Housing Project #2. The LRDP Update, Housing Project #1, and Housing Project #2 components are together referred to as the “Project.” The EIR for the Project was certified by the University in compliance with CEQA, Public Resources Code § 21000, et seq., and the State CEQA Guidelines, Title 14, California Code of Regulations, § 15000, et seq. (“CEQA Guidelines”) in July 2021.

In accordance with Public Resources Code § 21081 and CEQA Guidelines §§ 15091 and 15093, the University has made one or more specific written findings regarding significant impacts associated with Housing Project #2. Those findings are presented below, along with the rationale behind each of the findings. Concurrent with the adoption of these findings, the University adopts the CBPs, the MMRP and the Statement of Overriding Considerations for Housing Project #2.

The University finds and determines that the EIR for the Project, the LRDP Update Findings and Statement of Overriding Considerations, and the other information in the administrative record, which are all hereby incorporated by reference, provide the basis for approval of the implementation action and support the findings set forth below.

The documents and other materials that constitute the record of proceedings on which the Housing Project #2 findings are based are located at UC Berkeley, Office of Physical & Environmental Planning, 300 A&E Building, Berkeley, CA 94720-1382. The custodian for these documents is the Office of Physical and Environmental Planning Department and can be contacted by phone at (510) 643-4793 or via email to: planning@berkeley.edu. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines § 15091(e).

II. PROJECT BACKGROUND

A. PROJECT DESCRIPTION SUMMARY

Housing Project #2 is located on a 2.8-acre site in the City Environs Properties on the site currently

known as People’s Park. The proposed Housing Project #2 would involve the demolition of the existing on-site structures and park amenities and the construction and operation of two new mixed-use buildings with a combination of residential, campus life, academic life, and uses not operated by UC Berkeley. The plans for the proposed Housing Project #2 include student housing, nonresidential space, ground-floor commercial, non-UC Berkeley affordable and supportive housing (housing for lower-income or formerly homeless), and public open space.

As described in further detail in Section III.E below, proposed modifications have been made to Housing Project #2 following certification of the EIR. As modified, Housing Project #2 includes approximately 1,113 student beds and 125 affordable and supportive housing beds, for a total of 1,238 beds. The student housing beds are located in a T-shaped building with an average height of the north wing approximately 133 feet above the sidewalk and up to 154 feet where there is a small mechanical room with elevator and building systems on the roof. Section III.E below compares the modifications to Housing Project #2 to the project details evaluated in the EIR and identifies that the project modifications would not change the impact conclusions in the EIR.

B. PROJECT OBJECTIVES

The following are objectives of Housing Project #2:

- Redevelop and revitalize a UC Berkeley property to provide safe, secure, high quality, and high density student housing to help meet the student housing needs of UC Berkeley in support of the Chancellor’s Housing Initiative.
- Provide affordable and supportive housing to the greater Berkeley and Bay Area community.
- Create accessible student housing with no residential parking and affordable and supportive housing with limited employee parking that is in close proximity to the Campus Park to reduce vehicle miles traveled and associated air quality, greenhouse gas emissions, and noise to help achieve the goals of the UC Carbon Neutrality Initiative.
- Provide sustainability features to support meeting or exceeding the UC system and UC Berkeley sustainability goals, such as providing rooftop solar PV panels on each building, installing lighting controls to reduce energy use, using only LED light sources, and landscaping with native and/or adaptive and drought- resistant plant materials.
- Provide essential amenities and campus life facilities to foster a vibrant, convenient, and well-served student community with a variety of indoor uses and outdoor, landscaped open space that provides connections between the natural and built environment for a shared sense of community, interaction, and wellness.
- Provide an architecturally distinctive project with high quality materials and ground level landscaping that will contribute positively to the City Environs Properties in South Berkeley and support the continuing evolution of the UC Berkeley campus’s notable and historic landscapes and architecture.
- Preserve healthy, mature trees on the project site to the greatest extent feasible.

C. ENVIRONMENTAL REVIEW PROCESS AND PROCEDURAL COMPLIANCE WITH CEQA

The CEQA environmental review process for the Project started on April 7, 2020, with issuance of

a Notice of Preparation (“NOP”) of an EIR. A 39-day public comment period for the NOP ended on May 15, 2020. A virtual public scoping meeting was held on April 27, 2020, to accept public input on environmental topics to be analyzed in the EIR and approaches to the impact analyses. Written comments received on the NOP are included in Appendix A of the Draft EIR. A copy of the NOP is also included in Appendix A of the Draft EIR.

Pursuant to § 15063 of the CEQA Guidelines, an Initial Study (also included in Appendix A of the Draft EIR) was prepared for the Project and determined that implementation of the Project would have no impact on certain environmental criteria and therefore that these criteria would not be addressed in the EIR. No further analysis beyond that provided in the Initial Study is necessary for those environmental topics, which include: damage to scenic resources within a State scenic highway, agricultural and forestry resources, conflict with an adopted habitat conservation plan, soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems, hazards within an adopted airport land use plan or public use airport, mineral resources, and noise within a vicinity of a private airstrip or airport.

The Draft EIR for the Project was issued on March 8, 2021, and was made available for a 45-day public review and comment period that ended on April 21, 2021. A Draft EIR Public Hearing was held virtually on March 29, 2021, to receive input from agencies and the public. Copies of the Draft EIR were posted online on the UC Berkeley website, and hard copies were provided for check-out from the Downtown Berkeley Library.

Comment letters received on the Draft EIR and comments read at the public hearing are provided in their entirety in Appendix N of the Final EIR.

UC Berkeley received a total of 146 comment letters, which included four from governmental agencies, 12 from private organizations, and 112 from individuals, as well as 18 comments read at the public hearing.

The Final EIR was completed and published on July 7, 2021, consisting of the Draft EIR, the comments received during the review period, any additional information that became available after the publication of the Draft EIR, and the response to comments pursuant to CEQA Guidelines Section 15132. The EIR consists of two documents: the Draft EIR published in March 2021 and the Final EIR published in July 2021. Chapter 5 of the Final EIR consists of comments received during the public review period for the Draft EIR, and provides responses to those comments. Chapter 3 of the Final EIR contains revisions to the Draft EIR to clarify, amplify, or correct information in the Draft EIR, and associated appendices.

III. ENVIRONMENTAL IMPACTS AND FINDINGS

Pursuant to Public Resources Code § 21081 and CEQA Guidelines § 15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The University has made one or more of these specific written findings regarding each significant impact associated with Housing Project #2. Those findings are presented below, along with a presentation of facts in support of the findings.

These findings summarize the determinations of the Final EIR with respect to the environmental impacts of Housing Project #2 before and after mitigation and do not attempt to describe the full analysis of each environmental impact considered in the Final EIR. Instead, the findings provide a summary description of each impact, describe the applicable Continuing Best Practices and mitigation measures, if any, identified in the Final EIR and adopted by the University for Housing Project #2, and state the University’s findings regarding the significance of each impact after imposition of the adopted Continuing Best Practices and mitigation measures. The Final EIR contains a full explanation of each impact, Continuing Best Practice and mitigation measure, and the analysis that led the University to its conclusions on those impacts. These findings hereby incorporate by reference the discussion and analysis in the Final EIR, which supports the Final EIR’s determinations regarding the Project’s environmental impacts, Continuing Best Practices, and mitigation measures. In making these findings, the University ratifies, adopts, and incorporates by reference the Final EIR’s analysis, determinations, and conclusions relating to environmental impacts, Continuing Best Practices, and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

In adopting the Continuing Best Practices and mitigation measures described below, the University intends to adopt each of the Continuing Best Practices and mitigation measures recommended in the Final EIR related to Housing Project #2 in order to substantially lessen or avoid the potentially significant and significant impacts of Housing Project #2. Accordingly, in the event that a Continuing Best Practice or mitigation measure recommended in the Final EIR has been inadvertently omitted from these findings, that Continuing Best Practice or mitigation measure is hereby adopted and incorporated by reference in the findings. Additionally, in the event that the description of Continuing Best Practices or mitigation measures set forth below fails accurately to capture the substance of a given Continuing Best Practice or mitigation measure due to a clerical error (as distinct from specific and express modification by the University through these findings), the language of the Continuing Best Practice or mitigation measure as set forth in the Final EIR shall govern.

The EIR evaluation included a detailed project-level analysis of impacts in eighteen environmental disciplines or issues, analyzing Housing Project #2 and alternatives to Housing Project #2, including a No Project Alternative. The EIR discloses the environmental impacts expected to result from the

construction and operation of Housing Project #2. Where possible, Continuing Best Practices and mitigation measures were identified to avoid or minimize significant environmental effects. In addition, the University committed to implementing measures in order to reduce the direct and indirect impacts that will result from Housing Project #2. The mitigation measures identified in the EIR are measures proposed by the lead agency, responsible, or trustee agencies or other persons that were not included in Housing Project #2, but could reasonably be expected to reduce adverse impacts if required as conditions of approving Housing Project #2 as required by CEQA Guidelines § 15126.4(a)(1)(A).

A. Findings on Less-than-Significant Impacts

FINDING: Based on the issue area assessment in the EIR, the University has determined that Housing Project #2 will have no impact or less-than-significant impacts for several issues as summarized in Table 1. The rationale for the conclusion that no significant impact would occur in each of the issue areas in Table 1 is based on the discussion of these impacts in the detailed issue area and cumulative impacts analyses in Chapter 5 of the Draft EIR that were found to have no impact or less-than-significant impacts. Continuing Best Practices are noted in parentheses, where relevant to impact determinations, based on the analyses in Chapter 5 of the Draft EIR.

Table 1: Summary of No Impacts or Less-than-Significant Impacts for Housing Project #2

Environmental Impacts
<i>Draft EIR Section 5.1: Aesthetics</i>
AES-1: The proposed project would not have a substantial adverse effect on a scenic vista.
AES-2: The proposed project is in an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality.
AES-3: The proposed project would not have a substantial adverse effect on a scenic vista.
AES-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to aesthetics.
<i>Draft EIR Section 5.2: Air Quality</i>
AIR-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
AIR-2: The proposed project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment under an applicable federal or State ambient air quality standard. (CBP AIR-2)
AIR-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.
AIR-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in a cumulative impact with respect to toxic air contaminants.
<i>Draft EIR Section 5.3: Biological Resources</i>
BIO-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. (CBP BIO-1 and CBP BIO-2)
BIO-2: The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations

or by the CDFW or USFWS.

BIO-3: The proposed project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (CBP BIO-10)

BIO-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to biological resources. (CBP BIO-1 and CBP BIO-2)

Draft EIR Section 5.4: Cultural Resources

CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. (CBP CUL-1)

Draft EIR Section 5.5: Energy

ENE-1: The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

ENE-2: The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

ENE-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to energy.

Draft EIR Section 5.6: Geology and Soils

GEO-1: The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides. (CBP GEO-1 through CBP GEO-7)

GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil. (CBP GEO-9)

GEO-3: The proposed project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

GEO-4: The proposed project is not located on expansive soil, creating substantial direct or indirect risks to life or property. (CBP GEO-2)

GEO-5: The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (CBP GEO-10)

GEO-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to geology and soils. (CBP GEO-1 through CBP GEO-7, CBP GEO-9, and CBP GEO-10)

Draft EIR Section 5.7: Greenhouse Gas Emissions

GHG-1: The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

GHG-2: The proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

GHG-3: The proposed project, in combination with past, present, and reasonably foreseeable

projects, would result in a less-than-significant cumulative impact with respect to greenhouse gas emissions.

Draft EIR Section 5.8: Hazards and Hazardous Materials

HAZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (CBP HAZ-1 and CBP HAZ-4)

HAZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

HAZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school in a manner that would have an adverse impact on students and staff. (CBP AIR-2)

HAZ-4: The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 but would not, as a result, create a significant hazard to the public or the environment.

HAZ-5: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

HAZ-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in a cumulative impact with respect to hazards and hazardous materials.

Draft EIR Section 5.9: Hydrology and Water Quality

HYD-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. (CBP HYD-1, CBP HYD-2, CBP HYD-4, CBP HYD-5)

HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

HYD-3: The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in a substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows. (CBP HYD-1, CBP HYD-2, CBP HYD-4, CBP HYD-5, CBP HYD-7, CBP HYD-8, CBP HYD-13)

HYD-4: The proposed project would not risk release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone.

HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (CBP HYD-1, CBP HYD-2, CBP HYD-4, CBP HYD-5, CBP HYD-7, CBP HYD-8, CBP HYD-13)

HYD-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to hydrology and water quality. (CBP HYD-1, CBP HYD-2, CBP HYD-4, CBP HYD-5, CBP HYD-7, CBP HYD-8, CBP HYD-13)

<p><i>Draft EIR Section 5.10: Land Use and Planning</i></p> <p>LU-1: The proposed project would not physically divide an established community.</p> <p>LU-2: The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p> <p>LU-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impact with respect to land use and planning.</p>
<p><i>Draft EIR Section 5.12: Population and Housing</i></p> <p>POP-1: The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).</p> <p>POP-2: The proposed project would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere.</p> <p>POP-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to population and housing.</p>
<p><i>Draft EIR Section 5.13: Public Services</i></p> <p>PS-1: Implementation of the proposed project would not result in the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.</p> <p>PS-2: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to police services.</p> <p>PS-3: Implementation of the proposed project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.</p> <p>PS-4: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to fire protection services.</p> <p>PS-5: Implementation of the proposed project would not result in the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.</p> <p>PS-6: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to school services.</p> <p>PS-7: Implementation of the proposed project would not result in the need for new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.</p> <p>PS-8: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to libraries.</p>
<p><i>Draft EIR Section 5.14: Parks and Recreation</i></p> <p>REC-1: The proposed project would not result in substantial adverse physical impacts</p>

associated with the provision of new or physically altered parks facilities, need for new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks services.

REC-2: The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

REC-3: The proposed project would include recreational facilities but would not result in significant impacts associated with the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

REC-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to parks and recreation.

Draft EIR Section 5.15: Transportation

TRAN-1: The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

TRAN-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

TRAN-4: The proposed project would not result in inadequate emergency access.

Draft EIR Section 5.16: Tribal Cultural Resources

TCR-2: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to tribal cultural resources.

Draft EIR Section 5.17: Utilities and Service Systems

UTIL-1: Implementation of the proposed project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (CBP USS-1, CBP USS-3, and CBP USS-4)

UTIL-2: Implementation of the proposed project would have sufficient water supplies available from existing entitlements, conservation plans and resources, and would not require new or expanded entitlements.

UTIL-3: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to water supply.

UTIL-4: Implementation of the proposed project would not require or result in the relocation or construction of new or expanded wastewater treatment or facilities, the construction or relocation of which could cause significant environmental effects. (CBP USS-3 through CBP USS-5)

UTIL-5: Implementation of the proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.

UTIL-6: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects would not result in cumulatively considerable impacts with respect to wastewater service.

UTIL-7: Implementation of the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of

which would cause significant environmental effects. (CBP HYD-13)

UTIL-8: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to stormwater infrastructure.

UTIL-9: Implementation of the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project’s solid waste disposal needs and would not generate waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals.

UTIL-10: Implementation of the proposed project would comply with federal, State, and local statutes and regulations related to solid waste.

UTIL-11: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to solid waste.

UTIL-12: Implementation of the proposed project would not require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

UTIL-13: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to electrical power, natural gas, or telecommunications facilities.

Draft EIR Section 5.18: Wildfire

WF-1: The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. (CBP TRAN-6)

WF-2: The proposed project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

WF-3: The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that could exacerbate fire risk or result in temporary or ongoing impacts to the environment.

WF-4: The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

WF-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impact with respect to wildfires.

B. Findings on Significant Environmental Impacts That Can Be Reduced to a Less-than-Significant Level

FINDING: The University finds that the following environmental impacts can and will be mitigated to below a level of significance based upon the implementation of the Continuing Best Practices and mitigation measures in the EIR. These findings are based on the discussion of impacts in the detailed issue area and cumulative impact analyses in Chapter 5.2, Air Quality; Chapter 5.3, Biological Resources; Chapter 5.4, Cultural Resources; Chapter 5.11, Noise; and Chapter 5.16, Tribal Cultural Resources, of the EIR. An explanation of the rationale for each finding is presented below.

1. Air Quality

- (a) **Impact AIR-3:** *Construction activities associated with potential future development projects accommodated under the proposed LRDP Update could expose nearby receptors to substantial concentrations of toxic air contaminants.*

FINDING: For the reasons stated in the Final EIR (Draft EIR page 5.2-71, as revised in Final EIR Section 5.2, Air Quality, in Chapter 3, Revisions to the Draft EIR), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact AIR-3. Specifically, Mitigation Measure AIR-2.1 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact AIR-3 to a less-than-significant level.

Mitigation Measure AIR-3.3: Implement Mitigation Measure AIR-2.1.

[Mitigation Measure AIR-2.1: UC Berkeley shall use equipment that meets the United States Environmental Protection Agency Tier 4 Final emissions standards or higher for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 interim equipment shall be used. Where Tier 4 interim equipment is not commercially available, as demonstrated by the contractor, Tier 3 equipment retrofitted with a California Air Resources Board’s Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. The requirement to use Tier 4 Final equipment or higher for engines over 50 horsepower shall be identified in construction bids and the following shall also be completed:

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

to construction employees. Additionally, meal options on-site and/or shuttles between the facility and nearby meal destinations for construction employees shall be provided.]

Rationale for Finding: Mitigation Measure AIR-2.1 will reduce cancer risk impacts by requiring use of Tier 4 Final construction equipment and would reduce nonessential idling for future development associated with Housing Project #2; as such, impacts to nearby receptors from substantial concentrations of toxic air contaminants during construction of Housing Project #2 would be reduced to less-than-significant levels.

2. Biological Resources

(a) Impact BIO-4: *New buildings and structures would create potential impacts associated with increased risk of bird collisions.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.3-34), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact BIO-4. Specifically, Mitigation Measure BIO-4 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact BIO-4 to a less-than-significant level.

Mitigation Measure BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building’s glass surface, not just the lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction. The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.

Rationale for Finding: Implementation of Mitigation Measure BIO-4 will reduce risk of bird collisions by minimizing the quantity of reflective material used in the construction of Housing Project #2, reducing light pollution, and employing design techniques to minimize obstacles to bird flight; as such, impacts associated with bird strikes would be reduced to less-than-significant levels.

3. Cultural Resources

- (a) **Impact CUL-2:** *The proposed project has the potential to disturb unknown archaeological resources that could exist beneath the depth of previous ground disturbances and result in a significant impact to an archaeological resource.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.4-45), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact CUL-2. Specifically, Mitigation Measure CUL-2 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact CUL-2 to a less-than-significant level.

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

- **All Projects with Ground-Disturbing Activities.**

- Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.
- If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented:
 - All soil disturbing work within 35 feet of the find shall cease.
 - UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project.
 - Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist.
 - If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations.
 - If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented.
 - If the resource is a non-tribal resource determined significant under CEQA, a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant.

- The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate.
- The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required.
- **Areas with High Archaeological Sensitivity.** In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ground-disturbing activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, who is familiar with a wide range of prehistoric archaeological or tribal remains and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological observations, full-time monitoring may not be warranted following initial observations.
- **Sites with Known Archaeological Resources.** In the event the disturbance of a site with known archaeological or tribal cultural resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural resources, the following additional actions shall be implemented prior to ground disturbance:
 - UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project’s area of potential effects. The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed with the California Historical Resource Information System.
 - If the resource extends into the project’s area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5.
 - If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities).
 - If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to consider means of avoiding or reducing ground disturbance

within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/ Bancroft Library and the California Historic Resources Information System Northwest Information Center.

Rationale for Finding: Implementation of Mitigation Measure CUL-2 will require appropriate procedures to minimize potential impacts to previously undiscovered archaeological resources or tribal cultural resources during ground-disturbing activities; as such, impacts to archaeological resources would be reduced to less-than-significant levels.

4. Noise

(a) **Impact NOI-2:** *Construction could result in excessive groundborne vibration to nearby sensitive receptors.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.11-51 to 5.11-54), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact NOI-2. Specifically, Mitigation Measure NOI-2 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact NOI-2 to a less-than-significant level.

Mitigation Measure NOI-2: If any vibration causing construction activities/equipment are anticipated to be used for future development projects, UC Berkeley shall implement the following steps to ensure impacts from vibration causing construction activities/equipment will be less than significant.

- **Step 1 (Activity/Equipment Screening Distances):** UC Berkeley shall use the construction vibration screening standards shown below based on Federal Transit Administration criteria to determine if the construction activity/equipment is within the vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance. If the construction activity/equipment is within the screening distance, then Step 2 (Alternative Methods/Equipment) shall be implemented.

Screening Distances to PPV in/sec Threshold: Building Damage			
Activity/Equipment	Reference Vibration Levels (in/sec PPV) at 25 feet	Screening Level Distance in feet for 0.20 in/sec PPV ^a	Screening Level Distance in feet for 0.12 in/sec PPV ^b
Pile Driving	1,518	97	136
Caisson Drilling	0.089	15	21
Vibratory Roller	0.21	26	37
Large Bulldozer	0.089	15	21

Screening Distance to VdB Threshold: Human Annoyance and Sensitive Equipment Disturbance			
Activity/Equipment	Reference Vibration Levels (VdB) at 25 feet	Screening Level Distance in feet for 72 VdB ^c	Screening Level Distance in feet for 65 VdB ^d
Pile Driving	112	520	890
Caisson Drilling	87	80	140
Vibratory Roller	94	140	240
Large Bulldozer	87	80	140

Notes: Peak Particle Velocity inches per second (PPV in/sec); Vibration Decibel (VdB).

a. FTA Building Category III, Non-engineered timber and masonry buildings (residential).

b. FTA Building Category IV, Buildings extremely susceptible to vibration damage (historic).

c. FTA Land Use Category 2, Residences and buildings where people normally sleep.

d. FTA Land Use Category 1, Buildings where vibration would interfere with interior operations.

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

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

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

- **Step 3 (Construction Vibration Monitoring Program):** Prior to any project-related excavation, demolition or construction activity for projects within the screening distances listed in Step 1 (Activity/Equipment Screening Distances) and where alternative

methods/equipment to vibration causing activities/equipment are not feasible pursuant to Step 2 (Alternative Methods/Equipment), UC Berkeley shall prepare a construction vibration monitoring program. The program shall be prepared and implemented by a qualified acoustical consultant or structural engineer. Where the vibration sensitive receptors are historic resources, the program shall be prepared and implemented by a structural engineer with a minimum of five years of experience in the rehabilitation and restoration of historic buildings and a historic preservation architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The program shall include the following:

- Prepare an existing conditions study to establish the baseline condition of the vibration sensitive resources in the form of written descriptions with a photo survey, elevation survey, and crack-monitoring survey for the vibration-sensitive building or structure. The photo survey shall include internal and external crack monitoring in the structure, settlement, and distress, and document the condition of the foundation, walls and other structural elements in the interior and exterior of the building or structure. Surveys will be performed prior to, in regular intervals during, and after completion of all vibration-generating activity. Where receptors are historic resources, the study shall describe the physical characteristics of the resources that convey their historic significance.
- Determine the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed.
- Perform monitoring surveys prior to, in regular intervals during, and after completion of all vibration-generating activity and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, other exterior deterioration, or any problems with character-defining features of a historic resource are discovered. UC Berkeley shall establish the frequency of monitoring and reporting, based upon the recommendations of the qualified acoustical consultant or structural engineer or if there are historic buildings, the historic architect and structural engineer. Monitoring reports shall be submitted to UC Berkeley’s designated representative responsible for construction activities.
- Develop a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure.
- Report substantial adverse impacts to vibration sensitive buildings including historic resources related to construction activities that are found during construction to UC Berkeley’s designated representative responsible for construction activities. UC Berkeley’s designated representative shall adhere to the monitoring team’s recommendations for corrective measures, including halting construction or using different methods, in situations where demolition, excavation/construction activities would imminently endanger historic resources. UC Berkeley’s designated representative

would respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by UC Berkeley’s designated representative. Any new cracks or other damage to any of the identified properties will be compared to pre-construction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused any damage, such damage would be repaired to the pre-existing condition. Site visit reports and documents associated with claims processing would be provided to the relevant government body with jurisdiction over the neighboring historic resource, as necessary.

- Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage and make appropriate repairs where damage has occurred as a result of construction activities.
- Prepare a construction vibration monitoring report that summarizes the results of all vibration monitoring and submit the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. The construction vibration monitoring report shall be submitted to UC Berkeley within two weeks upon completion of each phase identified in the project construction schedule.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted in one or more locations at the construction site.

Rationale for Finding: Implementation of Mitigation Measure NOI-2 will require UC Berkeley to implement specific actions to reduce vibration from construction activities and equipment within vibration screening distances, and to monitor construction vibration when alternative methods and equipment within screening distances are not feasible; as such, impacts from construction vibration would be reduced to less-than-significant levels.

5. Tribal Cultural Resources

(b) Impact TCR-1: *Ground-disturbing activities could encounter and cause a substantial adverse change to tribal cultural resources.*

FINDING: As part of the proposed project, UC Berkeley will implement the following cultural resource CBP relevant to tribal cultural resources:

CBP CUL-1: UC Berkeley will follow the procedures of conduct following the discovery of human remains that have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (California Environmental Quality Act [CEQA]). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are

Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the NAHC is unable to identify an MLD, the MLD fails to make a recommendation within 48 hours after being notified, or the landowner rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.

For the reasons stated in the Final EIR (Draft EIR at page 5.16-9), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact TCR-1. Specifically, Mitigation Measure CUL-2 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact TCR-1 to a less-than-significant level.

Mitigation Measure TCR-1: Implement Mitigation Measure CUL-2.

Rationale for Finding: Implementation of Mitigation Measure TCR-1 requires compliance with Mitigation Measure CUL-2, which identifies procedures to minimize potential impacts to previously undiscovered tribal cultural resources during ground-disturbing activities; as such, impacts to tribal cultural resources would be reduced to less-than-significant levels.

C. Findings on Significant Environmental Impacts that Cannot Be Avoided or Reduced to a Less-than-Significant Level

FINDING: Based on the issue area assessment in the EIR, the University has determined that Housing Project #2 will have significant impacts in the resource areas discussed below, and that these impacts cannot be avoided or reduced despite the incorporation of all feasible mitigation measures. These findings are based on the discussion of impacts in the detailed issue area analyses and cumulative impacts as set forth in Chapter 5.4, Cultural Resources; Chapter 5.11, Noise; and Chapter 5.15, Transportation, of the Draft EIR. For each significant and unavoidable impact identified below, the University has made a finding(s) pursuant to Public Resources Code § 21081. An explanation of the rationale for each finding is also presented below.

1. Cultural Resources

- (a) **Impact CUL-1.3:** *Housing Project #2 would demolish and reconfigure People’s Park, a designated City of Berkeley Historical Landmark, which would result in a substantial adverse change to a historic resource.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.4-39 to 5.4-40), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact CUL-1.3. Specifically, Mitigation Measures CUL-1.3a and CUL-1.3b are feasible, and are hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact CUL-1.3. However, even with

implementation of these mitigation measures, significant unavoidable impacts will occur as described above. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact CUL-1.3 to a less-than-significant level.

Mitigation Measure CUL-1.3a: Implement Mitigation Measure CUL-1.1b.

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

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

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

Mitigation Measure CUL-1.3b: Implement Mitigation Measure CUL-1.1d.

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

Rationale for Finding: Implementation of Mitigation Measure CUL-1.3a requires implementation of Mitigation Measure CUL-1.1b, which requires the preparation and submittal of Historic American Building Survey Level II documentation, and Mitigation Measure CUL-1.3b requires implementation of Mitigation Measure CUL-1.1d, which requires on-site interpretation by installing an exhibit or display of People’s Park and a description of its historical significance in a publicly accessible portion of the project site. Though these mitigation measures would reduce impacts from the redevelopment of People’s Park, Housing Project #2 would still result in permanent alteration of People’s Park. Therefore, the impact is determined to be significant and unavoidable with mitigation.

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

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.4-40), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact CUL-1.4. Specifically, Mitigation Measures CUL-1.4 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact CUL-1.4. However, even with implementation of this mitigation measure, significant unavoidable impacts will occur as described above. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact CUL-1.4 to a less-than-significant level.

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

Rationale for Finding: Implementation of Mitigation Measure CUL-1.4 requires a historic architect to provide input and refinements to the design of Housing Project #2 to improve its compatibility with neighboring historical resources. Though this mitigation measure would reduce impacts from the redevelopment of People’s Park, the scale and proportion of the Housing Project #2 as proposed would likely not be compatible with neighboring historical resources. Therefore, the impact is determined to be significant and unavoidable with mitigation.

(c) Impact CUL-4: *The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to cultural resources.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.4-49), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate

significant effects on the environment from Impact CUL-4. Specifically, Mitigation Measure CUL-4 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact CUL-4. However, even with implementation of this mitigation measure, significant unavoidable impacts will occur as described above. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact CUL-4 to a less-than-significant level.

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

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

[Mitigation Measure CUL-1.1c: Based on Mitigation Measure CUL-1.1b, if any project could result in alteration of features of a historical resource that are character-defining or convey the significance of a resource, UC Berkeley shall give local historical societies or local architectural salvage companies the opportunity to salvage character-defining or significant features from the historical resource for public information or reuse in other locations. UC Berkeley shall contact local historical societies and architectural salvage companies and notify them of the available resources and make them available for removal. If, after 30 days, no organization is able and willing to salvage the significant materials, demolition can proceed. The Campus Architect shall verify compliance with this measure prior to the initiation of any demolition activities that could affect the resources.]

[Mitigation Measure CUL-1.1e: Implement Mitigation Measure NOI-2.]

[Mitigation Measure CUL-1.2a: Implement Mitigation Measure CUL-1.1b.]

[Mitigation Measure CUL-1.2b: Implement Mitigation Measure CUL-1.1d.]

[Mitigation Measure CUL-1.3a: Implement Mitigation Measure CUL-1.1b.]

[Mitigation Measure CUL-1.3b: Implement Mitigation Measure CUL-1.1d.]

[Mitigation Measures CUL-1.1b, CUL-1.1d, CUL-1.4, CUL-2, and NOI-2 provided above.]

Rationale for Finding: Implementation of Mitigation Measures CUL-1.1a through CUL-1.1e would reduce potential impacts to historic resources. Implementation of Mitigation Measure NOI-2, required by Mitigation Measure CUL-1.1e, will require UC Berkeley to implement specific actions to reduce vibration from construction activities and equipment within vibration screening distances, and to monitor construction vibration when alternative methods and equipment within screening distances are not feasible. Mitigation Measure CUL-2 will require appropriate procedures to minimize potential impacts to previously undiscovered archaeological resources or tribal cultural resources during ground-disturbing activities. Implementation of Mitigation Measure CUL-1.4 requires a historic architect to provide input and refinements to the design of Housing Project #2 to improve its compatibility with neighboring historical resources. However, future cumulative projects could still result in the demolition of one or more historical resources and/or remodeling of one or more historical resources in a manner not in conformance with the Secretary of the Interior’s Standards for Rehabilitation. Housing Project #2 would contribute to this cumulative impact due to the substantial alteration of People’s Park, for which there is no feasible mitigation measure that would reduce the impact to a less-than-significant level, as discussed above. Therefore, the impact is determined to be significant and unavoidable with mitigation.

2. Noise

(a) **Impact NOI-1:** *Noise from construction equipment could expose sensitive receptors to noise that exceeds the thresholds of significance.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.11-42 to 5.11-44), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact NOI-1. Specifically, Mitigation Measure NOI-1 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact NOI-1. However, even with implementation of this mitigation measure, significant unavoidable impacts will occur as described above. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact NOI-1 to a less-than-significant level.

Mitigation Measure NOI-1: For construction projects that last longer than 30 days, and where construction noise could exceed the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) for maximum construction noise levels (dBA L_{max}), or that involve impulse equipment such as jackhammers, hoe rams, and pile driving, temporary noise barriers at least 12 feet high will be erected, as necessary and feasible, to reduce construction noise levels. Temporary noise barriers will be constructed with solid material with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the temporary noise barrier and may be lined on the construction side with an acoustical blanket, curtain, or equivalent absorptive material. UC Berkeley shall verify compliance with this measure prior to issuance of demolition, grading, and/or building permits.

Rationale for Finding: With implementation of Mitigation Measure NOI-1, grading and paving noise levels would attenuate up 20 dBA, resulting in mitigated construction noise levels between 45 dBA Lmax and 65 dBA Lmax at the nearest sensitive receptors. However, the greatest reductions would occur at ground-floor and second-story receptors. Mitigation Measure NOI-1 would not be as effective for the multi-story residential uses to the north (Maximino Martinez Commons). Construction noise could still exceed the City of Berkeley’s daytime construction noise standards of 60 dBA Lmax weekdays and 50 dBA Lmax weekends at times. Therefore, temporary construction noise impacts are determined to be significant and unavoidable with mitigation.

(b) Impact NOI-3: *The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to construction noise.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.11-55 to 5.11-56), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact NOI-3. Specifically, Mitigation Measure NOI-3 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact NOI-3. However, even with implementation of this mitigation measure, significant unavoidable impacts will occur as described above. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact NOI-3 to a less-than-significant level.

Mitigation Measure NOI-3: Implement Mitigation Measure NOI-1.

Rationale for Finding: Mitigation Measure NOI-1 requires the use of temporary noise barriers, which will achieve up to 20 dBA of noise reduction. However, construction noise levels could still exceed the acceptable noise limits for demolition and grading activities. Therefore, Housing Project #2 would contribute to cumulative noise increases from construction noise. Therefore, cumulative construction noise impacts associated with implementation of Housing Project #2 are determined to be significant and unavoidable with mitigation.

3. Transportation

(a) Impact TRAN-3: *New buildings and structures that are 100 feet or more in height, based on final exterior design, could create wind hazards at the pedestrian (ground) level.*

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.15-61 to 5.15-62), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact TRAN-3. Specifically, Mitigation Measure TRAN-3 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact TRAN-3. At the time of publication of the Final EIR, the University found that even with implementation of this mitigation measure, significant unavoidable impacts could occur because the wind hazards analysis required by Mitigation Measure TRAN-3 had not been completed and the results of that study were unknown. Based on the conclusions in

the Final EIR, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact TRAN-3 to a less-than-significant level.

Mitigation Measure TRAN-3: Prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. The wind hazards analysis shall be conducted by a qualified wind engineer using the final exterior plans. The analysis shall apply the industry-acceptable Lawson Criteria for pedestrian-level wind distress (safety) to identify locations where wind speeds may be hazardous to pedestrians in the public right-of-way around the project site. Where wind hazards are identified based on the final building or structure exterior designs, UC Berkeley, in consultation with the qualified wind engineer, shall identify feasible building or structure design refinements to reduce the hazardous wind effects to an acceptable level as determined by the qualified wind engineer using the Lawson Criteria. Feasible industry-standard wind reduction design refinements may include, but are not limited to, adjusted building setbacks, upper-floor building stepbacks, terraces, rounded or redesigned building corners, screens, canopies, or landscaping. Following the identification of feasible design refinements by UC Berkeley in consultation with the qualified wind engineer, the qualified wind engineer shall provide evidence of acceptable (i.e., nonhazardous) wind effects with the incorporation of the feasible building or structure exterior design refinements. The results of the wind analysis and the feasible and effective design refinements to reduce wind hazards shall be submitted to the UC Berkeley project manager for review prior to final design approval.

Rationale for Finding: Mitigation Measure TRAN-3 requires Housing Project #2 to be analyzed for potential wind hazards prior to final exterior design approval. Because the final exterior design details were not known at the time that the EIR was prepared, this impact was determined to be significant and unavoidable with mitigation.

(b) Impact TRAN-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to wind hazards at the pedestrian (ground) level.

FINDING: For the reasons stated in the Final EIR (Draft EIR at page 5.15-66 to 5.15-67), the University finds that changes or alterations have been incorporated into Housing Project #2 which mitigate significant effects on the environment from Impact TRAN-5. Specifically, Mitigation Measure TRAN-5 is feasible, and is hereby adopted and incorporated into Housing Project #2 to mitigate significant effects from Impact TRAN-5. However, even with implementation of this mitigation measure, significant unavoidable impacts could occur, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact TRAN-5 to a less-than-significant level.

Mitigation Measure TRAN-5: Implement Mitigation Measure TRAN-3.

Rationale for Finding: Mitigation Measure TRAN-3 requires Housing Project #2 to be analyzed for potential wind hazards prior to final exterior design approval. Because the final exterior design details were not known at the time that the EIR was prepared, and the final design of cumulative

projects were not known, this cumulative impact was determined to be significant and unavoidable with mitigation.

D. Findings on Project Alternatives

This section describes Housing Project #2, as well as alternatives to Housing Project #2. The EIR evaluated the potential feasibility of each alternative, its environmental effects, and its ability to meet project objectives, which are described in detail in Chapter 6 of the Draft EIR.

1. Alternatives Screened Out from Detailed Consideration in the EIR

The University finds that all of the alternatives to Housing Project #2 eliminated from further consideration in the Draft EIR are infeasible, would not meet most project objectives and/or would not reduce or avoid any of the significant effects of the proposed project, for the reasons detailed in Section 6.2.3.3 of the Draft EIR. These alternatives include: (1) Alternate Location, which could reduce the total projected number of beds within the proposed LRDP Update development program; could require UC Berkeley to identify additional housing sites that are not currently UC Berkeley properties for housing; would be constrained by site access and parcel size, as many of the eligible sites are smaller than the proposed development sites, and could therefore require multiple sites; and has the potential to introduce new historic resource impacts at many of the sites in the City Environs Properties and the Clark Kerr Campus, as both contain historic resources or are adjacent to such resources; (2) Preservation Alternative, which would preclude the development of Housing Project # 2; and (3) Partial Preservation Alternative, which would preserve a greater amount of the existing open space at the Housing Project #2 site than is proposed under the proposed project but would not lessen or mitigate the significant and unavoidable impact to the integrity of the resource.

2. Alternatives Analyzed in the EIR

In compliance with CEQA and the CEQA Guidelines, the EIR evaluated a reasonable range of alternatives to Housing Project #2. The EIR’s analysis examined the potential feasibility of each alternative, its environmental effects, and its ability to meet the project objectives. The alternatives analysis included analysis of a no-project alternative and identified the environmentally superior alternative. Chapter 6 of the Draft EIR evaluated four alternatives to the Project: Alternative A: No Project; Alternative B: Reduced Development Program; Alternative C: Reduced Vehicle Miles Traveled; and Alternative D: Increased Faculty and Staff Housing. Alternatives C and D do not include any changes to Housing Project #2.

Brief summaries of these alternatives and findings regarding these alternatives are provided below.

(a) *Alternative A: No Project*

Alternative A: No Project assumes continued implementation of the current LRDP, and continued adherence to UC Sustainable Practices Policy, Carbon Neutrality Initiative, and Seismic Safety Policy. Alternative A would not include the development of Housing Project #2 and the Housing Project #2 site would remain in its current condition. The existing park and amenities on the Housing Project #2 site would remain unchanged.

FINDING: Pursuant to Public Resources Code § 21081(a)(3) and CEQA Guidelines § 15091(a)(3), the University finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render Alternative A: No Project infeasible. While this alternative would avoid or lessen significant effects from Housing Project #2, including effects related to the construction-related and consumer product air emissions and health risks, bird collision and impacts to nesting birds, cultural and historic resources, hazards and hazardous materials, pre- and post-construction water quality, land use and planning, construction noise, public services, tribal cultural resources, and wildfire, it would not accomplish any of the project objectives for Housing Project #2. This alternative would also be inconsistent with the Chancellor’s Housing Initiative to provide additional student housing to meet the needs to UC Berkeley students. In addition, Alternative A: No Project would increase impacts from Housing Project #2 in the environmental topic areas of energy, GHG emissions, and transportation. The University therefore rejects this alternative as unrealistic and infeasible for the reasons listed above and as stated in the EIR. (Draft EIR at Section 6.3.3).

(b) *Alternative B: Reduced Development Program*

Alternative B: Reduced Development Program would implement an LRDP with a 25 percent reduction in undergraduate beds and academic square footage from that analyzed under the proposed LRDP Update. Alternative B would result in fewer residential beds in Housing Project #2, accommodating fewer residents and employees on-site with approximately 1,018 beds instead of approximately 1,238. While the general characteristics of Housing Project #2 would remain similar to the proposed project, the overall development would be less intensive, as the amenity spaces would be reduced commensurately with the reduced number of beds, resulting in potentially smaller building footprints and/or heights.

FINDING: Pursuant to Public Resources Code § 21081(a)(3) and CEQA Guidelines § 15091(a)(3), the University finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render Alternative B: Reduced Development Program infeasible. While this alternative would avoid or lessen the effects from Housing Project #2, including effects related to construction-related and consumer product air emissions and health risks, police and fire protection services, pedestrian hazards from wind events, demands for utilities and service systems, this alternative would increase impacts from Housing Project #2 in the environmental topic areas of energy, GHG emissions, noise, population and housing, and transportation. This alternative would avoid the significant and unavoidable transportation impacts associated with wind but the significant and unavoidable impacts to cultural resources and construction noise would be similar under this alternative. Therefore, this alternative would not avoid several of the significant and unavoidable impacts that were identified for Housing Project #2, nor would this alternative result in any changes to the significance determinations identified for Housing Project #2. Due to the reduced scale of the development under this alternative, this alternative would substantially reduce the ability of the Project to meet the following objectives (i) to provide student housing to help meet the student housing needs of UC Berkeley in support of the Chancellor’s Housing Initiative, (ii) to provide essential amenities and campus life facilities to foster a vibrant, convenient, and well-served student community with a variety of indoor uses and outdoor spaces that provide connections between the natural and built environment for a shared sense of community, interaction, and wellness, and (iii) enhance the vibrancy of the City Environs

Properties. The University therefore rejects this alternative as unrealistic and infeasible for the reasons listed above and as stated in the EIR. (Draft EIR at Section 6.4.3).

3. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines requires the identification of an environmentally superior alternative to the proposed project. If the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

FINDING: The Draft EIR identified Alternative A: No Project as the environmentally superior alternative. Alternative B: Reduced Development Program would be the environmentally superior alternative for Housing Project #2. Alternative B would result in reductions in the development program for Housing Project #2; the housing project would include the same type of project components as under the proposed Project but the number of residences or beds provided would be reduced. This would result in a potentially smaller building footprint and/or lower building height. Alternative B: Reduced Development Program, however, is infeasible because it would increase impacts for several environmental topic areas and would not avoid the significant and unavoidable cultural resource or noise impacts that were identified for Housing Project #2. Specifically, this alternative would increase impacts from Housing Project #2 in the environmental topic areas of energy, GHG emissions, noise, population and housing, and transportation. In addition, as noted above, it would substantially reduce the ability of the Project to meet the project objectives described in the EIR. (Draft EIR at Section 6.7.1).

4. Alternatives to the Project Proposed in Comments

Comments received during and after the close of the Draft EIR comment period suggested denser housing alternatives, including an alternative that would build smaller rooms with no campus life amenities. The Final EIR addressed this comment in Chapter 5 as part of Master Response 18. As set forth in detail in Master Response 18, this proposed alternative would not be in alignment with the LRDP Update or Housing Project #2 objectives. The University therefore rejects this proposed alternative as infeasible.

E. OTHER FINDINGS

1. Revisions to the Final EIR

Chapter 5 of the Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(a).

Some commenters expressed concern about the use of pile driving and other vibration-causing construction equipment at the Housing Project #2 site. Since publication of the Draft EIR, the project sponsors for Housing Project #2 have confirmed that the foundation for the project does not require the installation of any driven piles. Because vibration levels would be less intensive than described in the Draft EIR, this change to the project did not constitute “significant new information” requiring recirculation pursuant to CEQA Guidelines § 15088.5, Recirculation of an

EIR Prior to Certification.

2. Absence of Significant New Information – No Subsequent Analysis Required

CEQA Guidelines § 15162 requires that a lead agency prepare a subsequent EIR for a project when one or more of the following situations occurs: 1) substantial changes are proposed in the project that require major revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) new information shows that a) the project will have new significant effects, b) significant effects previously examined would be substantially more severe, or c) mitigation measures or alternatives previously found not to be feasible would be feasible or the project proponents decline to adopt mitigation measures or alternatives previously not known.

Chapter 3, Revisions to the Draft EIR, of the Final EIR contains text revisions to the Draft EIR that were made in response to comments from agencies, organizations and the public, as well as staff-directed changes. These text revisions include typographical corrections, insignificant modifications, amplifications and clarifications of the Draft EIR. None of the minor text changes or classifications substantially alters the analysis in the Draft EIR, and they did not trigger the criteria for recirculation pursuant to CEQA Guidelines § 15088.5, Recirculation of an EIR Prior to Certification. The University prepared responses to comments on environmental issues received during the 45-day review period for the Draft EIR, prepared revisions to the text of the Draft EIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the Draft EIR.

During the period between publication of the Draft EIR and the Final EIR it was determined that pile driving would not be necessary for construction of Housing Project #2. The Final EIR includes supplemental information developed after publication of the Draft EIR to support the information presented in the Draft EIR and identifies that this change to the project would not change the impact conclusions in the Draft EIR.

The University recognizes that additional changes have been made to Housing Project #2 following certification of the EIR. Specifically, the following changes were made to Housing Project #2: (i) the number of proposed students beds was reduced from 1,187 to approximately 1,113 beds; (ii) the employee estimate for the affordable and supportive housing component was increased from 12 to 13 employees; (iii) the total building square footage (student and affordable and supportive housing components together) was reduced from 447,970 to 414,000 square feet; (iv) open space square footage was reduced from 82,000 to 74,025 square feet; (v) the building height of the north wing of the student housing building was reduced from a maximum height of 200 feet to approximately 154 feet including rooftop equipment; (vi) the building height of the south wing of the student housing building was increased from 88 feet 6 inches to approximately 95 feet; (vii) the pervious surface area (landscaped areas) was reduced from 60,000 to 42,000 square feet; (viii) the impervious surface area (building footprints and hardscapes) was increased from 62,000 to 80,000 square feet; (ix) the soil off-haul estimate for the construction phase was increased from 11,000 to 12,000 cubic yards;

and (x) the soil import estimate for the construction phase was reduced from 1,700 to 1,340 cubic yards. All other project details remain unchanged.

These modifications do not represent substantial changes requiring additional analysis. Most of the project modifications summarized above – including reductions in the number of beds, building square footage, building heights, and soil import estimate – would reduce the potential physical effects of Housing Project #2. Other modifications summarized above – including slight increases in the employee population, south wing building height, impervious surface area, and soil export estimate – would represent insignificant changes to the environmental topic areas of air quality, energy, greenhouse gas emissions, noise, population and housing, public services, parks and recreation, transportation, or utilities and service systems. These revisions to Housing Project #2 would not result in any new significant impacts that were not already identified in the EIR, nor would these changes substantially increase the severity of any impacts identified in the EIR. The same mitigation measures identified in the EIR for Housing Project #2 would continue to be required to reduce or avoid the significant environmental impacts. No new or modified measures would be required to mitigate the significant impacts identified for Housing Project #2 in the Draft EIR. Therefore, no further analysis is required.

Under § 15162 of the CEQA Guidelines, preparation of a subsequent EIR is required when substantial changes or new information of substantial importance occurs following certification of the EIR. New changes or information are not “substantial” unless they involve new significant environmental effects or substantially increase the severity of previously identified significant environmental effects. Here, the Final EIR includes supplemental data and information that were developed after publication of the Draft EIR to further support the information presented in the Draft EIR, and these findings provide a discussion of the project changes following certification of the EIR. The Housing Project #2 refinements discussed above constitute minor project changes that would not change the impact conclusions in the certified EIR. None of the supplemental information affects the conclusions or results in substantive changes to the information presented in the EIR, or to the significance of impacts as disclosed in the EIR. The supplemental information does not add to any new mitigation measures or alternative that the University declined to implement. In addition, there have been no changes with respect to the circumstances under which the project would be undertaken. The University finds that none of the changes or revisions in the Final EIR and these findings substantially affects the analysis or conclusions presented in the certified EIR; therefore, subsequent analysis is not required.

The University finds that no significant new information was added to the EIR after the public review period or following certification. The University specifically finds that: no new significant environmental impact would result from Housing Project #2 or from the implementation of a mitigation measure; no substantial increase in the severity of an environmental impact previously found to be significant would result; the University has not declined to adopt any feasible project alternative or mitigation measures considerably different from others previously analyzed that would clearly lessen the environmental impacts of Housing Project #2; and the EIR is not so fundamentally and basically inadequate in nature that it precluded meaningful public review.

Having reviewed the information in the Draft EIR, Final EIR, and administrative record, as well as the requirements under CEQA Guidelines § 15162 and interpretive judicial authority regarding

subsequent EIRs, the University finds that no new substantial changes have been made to the EIR, and preparation of a subsequent EIR is therefore unnecessary and not required by CEQA.

3. Differences of Opinion Regarding Housing Project #2’s Impacts

In making its determination to approve Housing Project #2, the University recognizes that Housing Project #2 involves several controversial environmental issues and that a range of opinion exists with respect to these issues. The University has considered the opinions of staff and experts, other agencies, and members of the public. The University finds that the determination of significance thresholds is generally a decision requiring judgment within the discretion of the University; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and University staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of Housing Project #2. While the University is not bound by the significance determinations in the Final EIR (see Pub. Resources Code, § 21082.2, subd. (e)), the University finds them persuasive and hereby adopts them as its own. Through its review of the Final EIR, the comments received on the Draft EIR, the responses to comments, and the whole of the administrative record, the University has acquired a comprehensive understanding of the scope of such issues. This has enabled the University to make fully informed and thoroughly considered decisions after taking into account the various viewpoints on the important environmental issues involved in the implementation of Housing Project #2. Considering the evidence and analysis presented in the Final EIR and the administrative record as a whole, the University finds that the findings herein are based on a full appraisal of all viewpoints expressed throughout the CEQA review process, as well as other relevant information contained in the administrative record.

4. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the EIR for the Project; the Mitigation Monitoring and Reporting Program for Housing Project #2; and the Findings and Statement of Overriding Considerations adopted by the University in connection with its approval of Housing Project #2.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” (CEQA Guidelines § 15093.) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency must state in writing the specific reason to support its actions based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. (CEQA Guidelines § 15093.)

Having (i) adopted all CBPs and feasible mitigation measures, (ii) recognized all significant, unavoidable impacts, and (iii) balanced the benefits of Housing Project #2 against its significant and unavoidable impacts, the University finds that the benefits of Housing Project #2 outweigh and override its significant unavoidable impacts for the reasons stated below. Each benefit set forth below constitutes an overriding consideration warranting approval of Housing Project #2, independent of the other benefits, despite each and every unavoidable impact.

1. Housing Project #2 will provide safe, secure, accessible, and high-quality student housing including approximately 1,113 beds to help meet the student housing needs of UC Berkeley in support of the Chancellor’s Housing Initiative.
2. Housing Project #2 will provide supportive and affordable housing with 125 beds for lower-income and formerly homeless residents.
3. Housing Project #2 will create accessible student housing with no residential parking that is in close proximity to the UC Berkeley Campus Park and will reduce vehicle miles traveled and associated air quality impacts, greenhouse gas emissions, and noise to help achieve the goals of the UC Carbon Neutrality Initiative.
4. Housing Project #2 will upgrade and modernize buildings and infrastructure, thus contributing to UC Berkeley’s sustainability and seismic safety goals. Housing Project #2 will provide sustainability features to support meeting or exceeding the UC system and UC Berkeley sustainability goals, such as providing rooftop solar PV panels; incorporating water-efficiency measures; and landscaping with native and/or adaptive and drought-resistant plant materials.
5. Housing Project #2 will provide essential amenities and campus life facilities to foster a vibrant, convenient, and well-served student community with a variety of indoor uses and outdoor spaces that provide connections between the natural and built environment for a shared sense of community, interaction, and wellness. Moreover, the proximity of Housing Project #2 to the Campus Park will provide opportunities for members of the campus community to support a vital inclusive and intellectual community and promote full engagement in campus life.
6. Securing housing and campus life space provides benefits to UC Berkeley in recruiting and retaining top-tier students, and assists UC Berkeley in addressing state enrollment obligations, as well as ensuring the ongoing success and sustainability of its degree programs.
7. Housing Project #2 will reduce competition for UC Berkeley students who rent in the City of Berkeley and other outlying areas, as many UC Berkeley students have difficulty competing with working professionals for market-rate housing in areas close to university facilities when burgeoning housing demand in the Bay Area has resulted in unprecedented high rental rates and low inventory. Additionally, providing more on-campus housing will relieve pressure on local and regional housing markets.
8. Housing Project #2 will provide an architecturally distinctive project with high quality

materials and ground-level landscaping that will contribute positively to the City Environs Properties and support the continuing evolution of UC Berkeley’s notable and historic landscapes and architecture.

9. Housing Project #2 will enhance the vibrancy of the City Environs Properties and the sense of community enjoyed by UC Berkeley affiliates and City of Berkeley residents by providing a pedestrian-friendly project that includes housing, open space, and greenery.

V. APPROVALS

The University hereby takes the following actions:

1. Adopt as conditions of approval of Housing Project #2 all applicable Mitigation Measures and Continuing Best Practices within the responsibility and jurisdiction of the University.
2. Adopt the Mitigation Monitoring and Reporting Program for Housing Project #2.
3. Following review and consideration of the previously certified Environmental Impact Report for the UC Berkeley 2021 Long Range Development Plan and Housing Projects #1 and #2, determine that no further environmental analysis pursuant to CEQA is required and adopt CEQA Findings and Statement of Overriding Considerations specific to Housing Project #2.
4. Approve the Project design of Housing Project #2, Berkeley campus.