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CITY OF BERKELEY FILES SUIT AGAINST UNIVERSITY OF CALIFORNIA, BERKELEY OVER FLAWED ENVIRONMENTAL ANALYSIS AND IMPACTS TO RESIDENTS AND TAXPAYERS

City seeks a commitment from UC to make a fair contribution to offset the significant costs the University imposes on the City of Berkeley

Berkeley, California (Monday, June 17, 2019) – Facing an imminent deadline of Monday June, 17, 2019, the City of Berkeley filed suit against University of California, Berkeley (UC) over their certification of a Final Supplemental Environmental Impact Report (FSEIR) that claims adding 11,000 students to the Berkeley campus will have no environmental effects. This course of action was pursued as a last resort to preserve the City's rights. The City submitted detailed comments to the FSEIR pointing out its many deficiencies and is committed to working with UC to resolve our differences despite filing the lawsuit.

The City of Berkeley is not opposed to development at the Upper Hearst site, and strongly supports UC's efforts to provide housing for its students, faculty, and staff. However, without properly analyzing the impacts and planning for mitigations related to the population increase, UC undermines the City of Berkeley's ability to provide essential services, including public life safety and critical infrastructure.

UC now projects a student population of 44,735 for the 2022-2023 academic year, which reflects a total student population growth of 34 percent beyond the projections in their 2020 Long Range Development Plan (LRDP). The rate of population increase is now nearly five times the increase anticipated in their LRDP.

Without paying taxes and impact fees, UC relies on City taxpayers to bear the burden for essential public safety services and infrastructure.

- The City provides fire suppression, hazardous materials response, and emergency medical services for the University.
- Although UC has its own police department, a preliminary analysis found that at least 10% of calls to the Berkeley Police Department are attributable to the University.
- UC also relies on the City for environmental health inspections, public health services, hazardous materials registration and inspections, and other non-emergency community safety services.

- Increases in campus population generate increased trips within the City, which creates more demand for street maintenance, new facilities for bicycles and pedestrians, and other infrastructure costs.
- Development proposed by UC places additional burdens on the City's sewer and storm drain systems.

UC's spike in enrollment has significant and lasting impacts on the local housing market. According to its own documents, UC has the lowest percentage of beds for its student body of any campus in the UC system. The lack of appropriate planning exacerbates the housing and homeless crises, disproportionately displacing and undermining stability of our most vulnerable.

A preliminary analysis found that even after accounting for municipal revenues attributable to UC, the fiscal impact of UC on the City of Berkeley is at least \$21 million every year. UC currently contributes only \$1.4 million per year to support City services. UC's recent population increase has expanded the direct costs to the City far beyond the City's capacity to carry those costs, compromising other essential municipal services and putting the Berkeley population – including UC's own students, faculty, and staff – at risk.

“The City is committed to negotiate in good faith with the University to develop a lasting agreement that is rooted in fairness and collaboration,” said Mayor Jesse Arreguín. “The agreement should encourage and empower the University to provide housing for its students and staff, ensure fair compensation to the City of Berkeley for the services it provides to the University service population, and preserve the financial security of both organizations. Berkeley's taxpayers deserve this and as stewards of the City's resources, it would be irresponsible for the City not to take legal action to preserve its rights.”

“The City is challenging UC's legally deficient analysis of its population increase to seek a commitment from UC to pay its fair share, not to stop the Upper Hearst project,” said Berkeley Vice Mayor Susan Wengraf. “The University's exempt status from property taxes and various other taxes and fees makes it critical that the City and University work together to plan for the University's population growth in a way that preserves our ability to maintain their safety.”

The City's lawsuit, among other things, asks the court to compel UC to conduct appropriate environmental analysis of the impacts of the enrollment increase and identify mitigations of those impacts, in accordance with state law.