



September 3, 2021

VIA E-MAIL

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Re: Draft Environmental Impact Report for the University of California Riverside 2021 Long Range Development Plan (SCH# 2020070120)

Dear Ms. Tang,

This letter is submitted on behalf of University Neighborhood Association in connection with the draft Environmental Impact Report (EIR) for the 2021 Long Range Development Plan (LRDP) for the University of California Riverside (UCR).

I. Introduction

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 - 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. App. 3d 247, 259. If an EIR fails to provide agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient, and the agency's decision must be set aside. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 712. An EIR is "aptly described as the 'heart of CEQA'"; its purpose is to inform the public and its responsible officials of the environmental consequences before they are made. *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 392.

The proposed EIR violates CEQA in that the discussion of associated impacts is inadequate, it fails to adequately consider the cumulative impacts of the LRDP on neighboring communities, it fails to adequately consider feasible mitigation measures, and it was not prepared with a sufficient degree of analysis. For these reasons, the University Neighborhood Association urges you to reject the EIR as drafted.

II. The Draft EIR's Discussion of Associated Impacts is Inadequate

The EIR's analysis of potential impacts of the proposed 2021 LRDP is inadequate. "An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." CEQA Guidelines § 15151. A review of the sufficiency of an EIR must evaluate "for adequacy, completeness and a good-faith effort at full disclosure." *Berkley Keep Jets of the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1355 (quoting *Rio Vista Farm Bureau Center v. City of Solano* (1992) 5 Cal.App.4th 351, 368).

"A prejudicial abuse of discretion occurs 'if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.'" See *Berkley*, 91 Cal.App.4th at 1355 (quoting *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722). Regarding the sufficiency of an EIR's analysis, the question is "whether the EIR contained sufficient information about a proposed project, the site and surrounding area and the projected environmental impacts arising as a result of the proposed project or activity to allow for an informed decision." *Id.* at 1355 – 1356.

A. Aesthetics

The EIR claims that construction of new facilities, renovations of existing structures, and other physical changes to the UCR campus will not degrade the visual character of the campus or surrounding areas. EIR at 4.1-48. The EIR claims no mitigation measures are required as impacts would be less than significant. *Id.* However, the LRDP's Land Use objectives of increasing student housing from 27% to 40% by creating higher density structures and student life facilities directly contradicts this notion as this will certainly change the visual character of the campus significantly. EIR at 4.1-44. Thus, the EIR fails to adequately associate the impacts of future growth on the aesthetics of the campus.

The EIR focuses on the aesthetics of the UCR campus but makes no acknowledgment of how this development will change the aesthetics of the neighboring residential neighborhoods. The EIR simply mentions projects implemented under the 2021 LRDP will comply with existing procedures pertaining to development within the UCR Physical Design Framework but doesn't provide details on how that design review will assure impacts remain less than significant, particularly on surrounding communities. EIR at 4.1-47. Thus, the EIR appears to improperly omit such analysis by claiming that consistency with its own Framework will be determined in the future on a project-by-project basis. Such piecemealing of a required analysis in an EIR is

forbidden under CEQA. *See Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222.

B. Air Quality

The EIR claims the proposed LRDP would not generate population, housing, or employment growth exceeding forecasts in the 2016 Air Quality Management Plan and therefore impacts would be less than significant. EIR at 4.3-29. However, the EIR assumes that “much of the campus population projected in the proposed 2021 LRDP will have already been accounted for in existing and/or projected population growth in the inland Southern California region.” EIR at 4.3-30. The EIR provides no facts or evidence that this assumption is true. Further, this only accounts for most of the population and not the entire projected growth. Thus, the EIR cannot reasonably assume the LRDP will not generate population, housing, or employment growth outside of current forecasts. By making this assumption the EIR fails to adequately analyze the potential impacts to air quality on campus and the surrounding neighborhoods.

The EIR states that construction of the proposed LRDP would generate reactive organic gases, nitrogen oxides, and particulate matter beyond significant thresholds established by the South Coast Air Quality Management District, but that these impacts are unavoidable even with the implementation of mitigation measures. EIR at 4.3-31. The EIR also concedes the impacts would not only occur during the construction phase, but “would result in long-term air pollution emissions over the course of operations” as well. EIR at 4.3-32. Finally, the EIR acknowledges “at this stage of planning, project design features and mitigation are not available that would feasibly reduce impacts...to a less-than-significant level. Therefore, impacts from construction and operational emissions would be significant and unavoidable.” EIR at 4.3-33.

Thus, the EIR fails to adequately consider and analyze mitigation measures for these emissions and simply claims no feasible measures to mitigate the long-term effects of emissions exists. In such an instance, the EIR “must make a finding that mitigation is infeasible and overruling considerations outweigh the significant environmental effects.” *Federation of Hillside and Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 (Federation) (quoting Pub. Resources Code § 21081(a)); see also CEQA Guidelines § 15091(a). But the EIR here fails to make any such finding relating to mitigation of air quality.

C. Energy

The EIR states the proposed LRDP would consume electricity, natural gas, and fuel during construction and operation that would exceed the UCR and Annualized Regional 2018 Per Capita Energy Use threshold, but that impacts will be less than significant with implementation of mitigation. EIR at 4.6-28. The EIR’s mitigation measures focus on the purchase of “100 percent clean-sourced electricity through either Riverside Public Utilities and/or through the installation of on-site clean-sourced electricity sources for all new buildings by 2025.” EIR at 4.6-33. However, the EIR goes on to say that funding for these mitigation measures will come from future annual budgets which have not yet been established or created. *Id.* This is improper. Fee-based mitigation may be sufficient under CEQA but only when there is

evidence that the mitigation will actually occur. Also, fee-based mitigation from one source requires such funds be set aside for that purpose. Speculative future monetary contributions cannot be used as an effective mitigation method. *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793. Here, there is no evidence that such mitigation will actually occur as the budget plans will not be created until a future date.

Additionally, the EIR states the impacts to energy usage due to construction and operation of the new and renovated buildings under the LRDP would be less than significant and requires no mitigation measures because they will comply with applicable state and UCR energy policies and regulations. EIR at 4.6-36. As stated above, UCR cannot omit analysis or depend on compliance with other policies and regulations as a means to mitigate future impacts on the environment. This analysis is improper and inadequate. *See supra, Banning Ranch Conservancy* (2017) 2 Cal.5th 918, 936.

D. Greenhouse Gas Emissions

The EIR states the proposed LRDP will directly and indirectly generate greenhouse gas emissions that will have a significant impact on the environment, but that through mitigation measures the impact will diminish to less than significant status. EIR at 4.8-32. However, the mitigation measures presented by the EIR are insufficient. One consists of the same mitigation measure presented in the Energy impacts section 4.6, relying on monetary funding from future annual budgets for the purchase of 100 percent clean-sourced electricity. EIR at 4.8-36. Additionally, a separate mitigation measure states UCR will purchase biogas for at least 40 percent of the total on-campus natural gas usage but doesn't provide any details on when this will occur or with what funds. EIR at 4.8-35. As discussed above, speculative future monetary contributions cannot be used as an effective mitigation method. *See supra, Endangered Habitats League* (2005) 131 Cal.App.4th 777, 793.

Other mitigation measures mention UCR will "prioritize" construction of all-electric building design for new buildings and structures and "discourage" the construction and connection of new fossil fuel combustion infrastructure on campus. EIR at 4.8-35. These plans are vague and show no evidence on whether they will actually occur. CEQA is premised in part on "a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ..." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. "Environmental review derives its vitality from public participation." *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400. The failure to provide adequate information deprives the public of adequate notice and the opportunity for public input regarding the Project.

Additionally, the EIR states "in order to obtain electricity from 100 percent renewable source(s) for all existing buildings by 2045, UCR shall renegotiate its contractual agreement with Riverside Public Utilities to establish a schedule and specific goals for obtaining 100 percent renewable electricity for the campus." EIR at 4.8-36. Mitigation measures cannot be based on future contracts and agreements that have not yet come to fruition and must be based on reliable and confirmed methods of forecasting in order to provide evidence of actual reductions in impact

levels. When a project requires deferral of specific mitigation measures to a later time, an agency may not simply require future negotiations or studies but must “articulate specific performance criteria and make further approvals contingent on finding a way to meet them.” *See supra, Endangered Habitats League* (2005) 131 Cal.App.4th 777, 793 (discussing *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261 – 1275 – 1276). The EIR fails to meet this requirement.

Finally, the EIR states emissions during construction and operation are projected to exceed the state targets and UCR-derived Greenhouse gas emission threshold and therefore would conflict with the goals of applicable plans, policies, and regulations adopted for the purpose of reducing emissions from greenhouse gases. The EIR states that with mitigation measures implemented the impact will be less than significant. EIR at 4.8-42. However, as discussed above, the mitigation measures proposed by the EIR are insufficient in that they lack the required detail and evidence to support the findings, the measure are fee-based without any guarantee the funds will be available and actually used for these purposes and are relying on future contract negotiations with local utilities. As such the mitigation measures are inadequate and do not comply with CEQA and thus cannot be relied on to diminish the significant impact of these emissions on the environment.

E. Hazards and Hazardous Materials

The EIR states the LRDP could result in an increased use, transport, or disposal of hazardous materials during facility operations, but that impacts would be less than significant because UCR is subject to federal, state, and UCR policies designed to minimize risk of endangerment to the campus population, the public, and the environment. EIR at 4.9-30. As stated above, UCR cannot omit analysis or depend on compliance with other policies and regulations as a means to mitigate future impacts on the environment. This analysis is improper and inadequate. *See supra, Banning Ranch Conservancy* (2017) 2 Cal.5th 918, 936.

The EIR only mentions these regulations but fails to properly incorporate them as to provide the public with adequate notice and detail in order to make an informed decision on the adequacy of the EIR. EIR at 4.9-30. Access to referenced documents is critical for informed participation in the CEQA process. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (quoting *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143).

F. Hydrology and Water Quality

The EIR states construction and operation of the LRDP will occur in compliance with applicable water quality standards and waste discharge requirements to an extent where potential water quality impacts would be less than significant without the implementation of any mitigation measures. EIR at 4.10-34. It also states that potential impacts to groundwater supplies and recharge would be less than significant requiring no mitigation. *Id.*

There is an inadequate discussion of drought or possible water shortages of future water

supplies for the LRDP and the area as a whole. “An EIR must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood the water’s availability.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32

G. Noise

The EIR acknowledges vibration from construction may exceed applicable standards and are potentially significant but claim impacts will diminish to less than significant with mitigation measures. EIR at 4.11-30. However, the EIR fails to provide specific performance criteria for associated mitigation measures, and simply states that nearby academic and residential facilities will be notified of construction activities, a method which will not decrease impact in the slightest. EIR at 4.11-31. The EIR improperly calls for future vibration analysis. *Id.* An agency may not simply require future study of mitigation but should “commit to mitigation and set out standards for a plan to follow.” *See supra, Endangered Habitats League*, 131 Cal.App.4th at 793. Thus, the EIR fails to adequately discuss noise impacts and mitigation from construction vibration.

The EIR dismisses substantial construction noise impacts because they will be temporary. EIR at 4.11-21. But the temporary nature of a noise impact does not make it insignificant. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380 – 81. The EIR acknowledges significant noise impacts from construction but provides vague mitigation measures which do not include any commitment to a particular noise level. The lack of details makes this analysis insufficient. *See Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 (“there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced”).

The EIR’s discussion of permanent increase in ambient noise from the significant increase in student population is similarly deficient. EIR at 4.11-21. The analysis lacks specificity and relies on future analysis after construction is complete, despite the fact the proposed LRDP will have construction phases throughout the years into 2035, where construction and operation will occur simultaneously. The EIR also relies on future buildings acting as “acoustical barriers to existing noise sources” but provides no evidence of how the location of various buildings will act as barriers for noise impacts. *Id.*

H. Traffic and Transportation

The EIR assumes that increased availability of student housing will lead to less vehicles commuting to campus and thus less traffic and transportation impacts to the environment. EIR at 4.15-29. However, 60% of students will be living either off-campus in neighboring communities or in other areas of the state, even with the attainment of student housing goals within the LRDP. EIR at 4.12-17. Thus, the assumption that an increase in student housing beds will aid in diminishing traffic and transportation impacts to the environment is incomplete as it does not consider the impacts of student population growth as a whole.

Additionally, the EIR states the increased use of alternative modes of travel would result in lower vehicle miles traveled generated by campus overtime resulting in less than significant impacts with no mitigation measures required. EIR at 4.15-29. However, the exacerbated conditions of the roadways created by the significant population growth estimated by the LRDP must be mitigated in order to reduce impacts to the environment. The EIR fails to acknowledge the increase to parking structures on campus will itself leads to additional vehicle miles traveled to and from the UCR campus.

III. The Draft EIR Fails to Adequately Consider Cumulative Impacts on Neighboring Communities

Cumulative impact analysis is essential to accomplishing the overall intent of CEQA of “preventing environmental damage, while providing a decent home and satisfying living environment for every Californian” Pub. Res. Code § 21002(g). By looking outside of a particular project site, a cumulative impact analysis allows decisionmakers to look at the impacts of a project within the greater context. Here, the EIR has failed to adequately consider the cumulative impacts the proposed LRDP will have in a greater context, and neglects to evaluate the areas surrounding UCR’s campus.

A. Population and Housing

A primary goal of the proposed LRDP is to expand enrollment capacity up to 35,000 students through 2035, a 46% increase from the 2018/2019 academic year student population. EIR at 4.12-17. It is also anticipated that approximately 7,545 total faculty and staff will be needed to support the projected student enrollment in 2035, a 60% increase from the 2018/2019 academic year. *Id.* This substantial increase is certain to lead to significant impacts to the population and housing of the surrounding neighborhoods. The EIR fails to adequately consider these impacts by claiming direct and indirect impacts related to population growth would be less than significant and thus require no mitigation measures. EIR at 4.12-19.

The EIR concedes that an average of 80,000 homes have been built in the state per year since 2007, which is far below the 180,000 annually estimated to be demanded by California’s growing population from 2015 through 2025. EIR at 4.12-1. Despite this, the LRDP proposes an expansion of approximately 14,000 new beds, which will ensure housing for 40% of the student population. EIR at 4.12-17. And while this is an increase from the current 27% presently housed on campus, the LRDP still results in 60% of the student population leaning on the surrounding communities for housing options. This increase in student population will impact housing availability and population density in nearby areas, and the EIR fails to adequately address and evaluate these issues.

UCR’s Housing Policy guarantees on-campus housing only to eligible freshman students. Many sophomores, juniors, and seniors are not guaranteed housing on campus and thus must look for other housing options within the neighboring communities if they wish to avoid long distance commutes to campus. EIR at 4.12-15. Also, freshman students are not required by UCR’s Housing Policy to live on campus, and thus could opt to live off-campus in neighboring

communities as well. Finally, transfer students are not guaranteed on-campus housing and also often rely on off-campus housing options. *Id.*

An EIR must show a reasonable effort to substantively connect a project's impacts to likely consequences. *Sierra Club v. County of Fresno* (Dec. 24, 2018) 6 Cal.5th 502. Here the EIR assumes the increase in housing availability nullifies the need to properly analyze the impacts the increase in student population will have on housing availability and population density in neighboring communities. A reasonable effort would analyze the connection between the LRDP student population increase and the associated impacts. Therefore, the EIR cannot support its claim that the increase in student population will not have direct or indirect impacts to the neighboring communities.

B. Recreation

The substantial increase in student population proposed by the LRDP will contribute to the acceleration of physical deterioration and degradation of local parks, recreational trails for hiking, biking, and equestrian activities, archeological sites, wildlife reserves, and other natural areas within the community. The increase in population will reasonably lead to increase in use of these neighborhood open spaces. These additional uses may require the construction or expansion of recreational facilities which may have an adverse physical impact on the environment.

The EIR assumes the existing and newly proposed recreational facilities on campus will adequately serve and accommodate the growing campus population such that impacts to the neighboring community would be less than significant. EIR at 4.14-14. To assume the student population would not use recreational facilities outside of campus is unreasonable and unfounded. The EIR concedes the proposed LRDP would incrementally result in an increase in off-campus residents of approximately 6,395 people by academic year 2035/2036 but states the campus population would continue to have full access to on-campus parks and recreational facilities which would reduce the need to use off-campus community facilities. *Id.* While students will have access to on-campus recreational facilities, they may still use off-campus facilities, particularly the students who live off campus. Thus, the likely significant impacts on community open spaces are not considered nor mitigated in the 2021 LRDP.

Additionally, the EIR states the development of new on-campus recreational facilities and open spaces may have an adverse physical effect on the environment, but that environmental impacts would be less than significant without any additional mitigation. The EIR contradicts itself and states no additional impacts to the environment were found and therefore impacts are considered less than significant without additional mitigation. EIR at 4.14-19. The EIR does not expand or explain this conclusion, and thus improperly evaluated the cumulative impacts the increase in student population will have on recreational facilities.

IV. The Draft EIR Fails to Adequately Consider Feasible Mitigation Measures

The California Supreme Court has recognized there is no “legally unsupportable distinction between environmental impacts occurring on the project site and those occurring off-

site. CEQA draws no such distinction for purposes of mitigation. Instead, CEQA defines the “environment” as “the physical conditions which exist within the area which will be affected by a proposed project. (Pub. Resources Code, § 21060.5)” *City of San Diego v. Bd. of Trustees of California State Univ.*, (2015) 61 Cal. 4th 945, 961.

Thus, mitigation measures must be evaluated and considered whether the impacts fall within the project site or outside of it. Here, the EIR fails to adequately address and consider feasible mitigation measures for impacts that fall outside of the UCR campus.

A. Aesthetics

The 2021 LRDP contains Open Space objectives, some of which prioritize maintaining views to Box Spring Mountains at the terminus of view corridors and from primary campus open spaces. EIR at 4.1-45. However, the EIR states the proposed LRDP will block or impede views of scenic vistas, namely of the Box Spring Mountains, and determines these impacts will be significant but unavoidable. EIR at 4.1-46. The EIR does not recommend any mitigation measures for these impacts. *Id.* This is both inconsistent with the objectives of the LRDP and with the requirements under CEQA.

B. Agricultural Lands

The UCR campus contains 21 different fields and many agricultural facilities such as greenhouses and services for research projects. EIR at 4.2-1. The proposed 2021 LRDP would impact fewer acres of agricultural lands than previous UCR LRDPs, but this reduction of loss of acreage does not offset the net reduction in agricultural lands in the region. The proposed LRDP would still reduce land available for agricultural uses and research in comparison to existing conditions. EIR at 4.2-8. The EIR refuses to adequately consider feasible mitigation measures to this impact, and simply states no new agricultural lands are being created in the vicinity of the campus, thus no feasible mitigation has been identified to reduce this significant impact. EIR at 4.2-5. The EIR states that no mitigation is sufficient to substantially reduce this impact, and therefore impacts would be significant and unavoidable. EIR at 4.2-7. The EIR makes no attempt at evaluating potential mitigation options or alternatives to diminish or avoid this impact and simply concedes the impacts are unavoidable.

Additionally, UCR acquired the Coachella Valley Agricultural Research Station, a 540-acre facility, as a mitigation measure resulting from an earlier LRDP which called for the conversion of approximately 125 acres of agricultural land into non-agricultural uses as a means to “reduce the programmatic loss of the 125 acres of agricultural land on campus.” EIR at 4.2-5. This Research Station has been used as a mitigation measure since the 2005 LRDP and will now continue to be used as a mitigation measure for the 2021 LRDP. However, the EIR concedes this mitigation measure “does not fully offset the net reduction in farmland in the region...As such, impacts would be significant and unavoidable.” EIR at 4.2-10. Thus, the EIR did not consider feasible mitigation measures in relation to the loss of agricultural lands on campus.

C. Biological Resources

The EIR has classified various vegetation types as existing or not existing within a Sensitive Natural Community. EIR Table 4.4-1 at 4.4-4. The EIR classifies the vegetation deemed to not be within a Sensitive Natural Community as not requiring additional mitigation efforts because the particular area has somehow been modified as mitigation for a previous project. EIR at 4.4-7-11. This conclusion is unreasonable and unfounded. Impacts to species must still be mitigated despite the fact their environments have been modified previously. The EIR demonstrates no applicable reasoning as to why a previously modified space does not warrant environmental protection. The mitigation measures identified in the EIR must apply to all plant and wildlife species that will be impacted by the proposed LRDP.

Additionally, according to the applicable Biology Guidelines “it is highly recommended that field surveys be performed when the majority of critical resources can be best evaluated.” SD Mun. Code, Land Development Biology Guidelines, Sec. 1, at 78. However, plant and wildlife surveys for the EIR were conducted in December, when a large variety of plant and wildlife resources are dormant. EIR at 4.4-1. As a result, survey efforts completely missed the spring flowering period for plants and spring mating season for wild species. Biological surveys conducted for CEQA review must also include a spring survey in order to detect the proper existing biological resources. Without establishing which biological resources need protection the EIR cannot properly determine the necessary mitigation measures required to offset the impacts to these species. Thus, the EIR failed to adequately survey the areas potentially impacted by the LRDP, and therefore violated CEQA.

D. Public Services

The City of Riverside Fire Prevention Division submitted comments in response to UCR’s Notice of Preparation stating the significant increase in student population proposed by the LRDP will increase density on campus and as a result will require additional public services in the form of police and fire safety for all students, faculty, staff, and citizens who live in surrounding neighborhoods. They recommended placing a new fire station on or near the UCR campus to ensure the local Fire Department can continue to protect the community. EIR ES-8.

Despite this, the EIR claims the LRDP will not increase demand to a level that will require a new fire protection facility or substantial alterations to existing facilities and claimed impacts would be less than significant requiring no mitigation measures. EIR at 4.13-15. The EIR states “it can be anticipated that RFD would potentially need to increase fire protection staff, and potentially additional equipment to accommodate an increased call volume...the proposed 2021 LRDP would not fundamentally change the nature of campus operations, and several older structures would be retrofitted or replaced with modern structures requiring compliance with current and more stringent fire code requirements, providing fire safety benefits in comparison to the baseline structures.” EIR at 4.13-16.

The EIR’s reasoning as to why a new fire station is not needed is erroneous. Buildings that are in compliance with modern fire codes still may catch fire or require assistance from the

fire department. The EIR concedes the increase in campus population accommodated by the proposed 2021 LRDP may increase the fire department's call volume, but still neglects to consider feasible mitigation efforts for this impact.

E. Traffic and Transportation

The EIR also acknowledges the increase in campus population would result in impacts related to AM peak hour queueing at the I-215/SR-60 Freeway Southbound Ramps at Martin Luther King Boulevard. EIR at 4.15-31. However, the EIR concedes a mitigation measure has only been proposed but its implementation is uncertain at this time leading to impacts that would be significant and unavoidable. This analysis is insufficient because it does not demonstrate any evidence as to why the mitigation measures have not fully been adopted or approved and does not recommend other additional measures to prevent the significant impact to the environment.

V. The EIR Fails to Adequately Consider Feasible Alternatives

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750 – 751. To accomplish this, the EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." CEQA Guidelines § 15126.6(a). "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." CEQA Guidelines § 15126.6(c).

The EIR discuss what it calls the "Reduced Development Program" alternative. EIR at 6-5. According to the EIR this alternative, compared to the preferred 2021 LRDP, would lessen or avoid impacts to biological resources, energy consumption, greenhouse gas emissions, noise, transportation, and utility and service systems. This alternative would also accomplish many of the 2021 LRDP objectives by still allowing development of student housing and increase in student population. EIR at 6-20.

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. Despite this alternative decreasing various environmental impacts it was not the preferred alternative seemingly because it limits expansion on one portion of the UCR campus.

The EIR identifies the "Increased Student Housing" alternative as the environmentally superior alternative. EIR at 6-42. It states this alternative would result in fewer impacts related to air quality, fuel consumption, greenhouse gas emissions, population and housing, and transportation. *Id.* However, this alternative simply allows UCR to develop more housing and expand its student population above what is currently proposed in the 2021 LRDP. The EIR fails to adequately analyze how this will decrease impacts on the areas discussed above and relies on

the EIR's inadequate mitigation measures as reasoning for diminishing impacts on the environment.

"[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). Importantly: "An environmentally superior alternative cannot be deemed infeasible absent evidence the additional costs or lost profits are so severe the project would become impractical." *See supra, Kings County Farm Bureau*, 221 Cal.App.3d at 736. The EIR fails to provide evidence of additional costs or lost profits that would make the environmentally superior alternative impractical. Thus, the Reduced Development Program alternative should be chosen as the feasible alternative capable of accomplishing the majority of the objectives while lessening the environmental impacts of the 2021 LRDP.

VI. The EIR Must be Recirculated

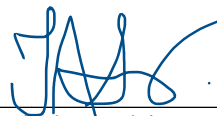
The draft EIR claims to be a program EIR for the 2021 LRDP. "A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible." CEQA Guidelines § 15168(c)(5). Future projects and project EIR's within the 2021 LRDP would be tiered from the draft EIR. "Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration." *Id.* at § 15152(a).

The draft EIR's discussions and analyses are sufficiently lacking as a program EIR and must be significantly revised and recirculated.

VII. Conclusion

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JAK', is written over a horizontal line.

Isabela Rodriguez, Esq.

DeLano & DeLano

Attorneys for University Neighborhood Association