

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE DESIGN AND CONSTRUCTION
OF THE CAMPUS CHILD CARE CENTER
DAVIS CAMPUS**

I. RECITALS

Pursuant to Title 14, California Code of Regulations, Section 15074, the University of California, Office of the President, pursuant to authority delegated from the Board of Regents of the University of California (The Regents) (hereinafter referred to collectively as "The University") took the following actions on December 6, 2005:

- A. Adopted the Mitigated Negative Declaration and the Tiered Initial Study (SCH # 2005092017) prepared for the proposed Campus Child Care Center (the project);
- B. Adopted Findings and a Statement of Overriding Considerations;
- C. Adopted mitigation measures and a mitigation monitoring program for the project; and
- D. Approved an amendment of the UC Davis 2003 Long Range Development Plan land use map, redesignating the land use for the project site from *Physical Education/Intercollegiate Athletics/Recreation* to *Student Housing*.

Design approval of the project is being considered separately and subsequently by the UC Davis Vice Chancellor for Administration.

II. FINDINGS

The University hereby adopts the following Findings pursuant to Title 14, California Code of Regulations, Section 15074, in conjunction with the approval of the project, which is set forth in Section III.

No changes in the project or in the circumstances of the project have occurred since the December 6, 2005 approval and adoption of the Mitigated Negative Declaration, Findings and Statement of Overriding Considerations, and Mitigation Monitoring Program and mitigation measures.

III. APPROVAL

The University hereby takes the following actions:

- A. Readopts the Findings and Statement of Overriding Considerations, attached hereto as Exhibit "A" for the project, and

- B.** Readopts and reincorporates into the project all project elements, relevant 2003 LRDP EIR mitigation measures, project-specific mitigation measures, and the project-specific mitigation monitoring program identified in the project's previously adopted Tiered Initial Study, and attached hereto as Exhibit "B," and
- C.** Having previously adopted the Mitigated Negative Declaration, independently reviewed and analyzed the Mitigated Negative Declaration and Final Initial Study and any comments received on these documents, and having adopted the Findings and Statement of Overriding Considerations and project-specific Mitigation Monitoring Program, the University hereby approves the design and construction of the Campus Child Care Center.

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I. MITIGATED NEGATIVE DECLARATION

Pursuant to Title 14, California Code of Regulations, Section 15074, the University of California, Office of the President (UCOP), pursuant to authority delegated from the Board of Regents of the University of California (The Regents) (hereinafter referred to collectively as “The University”), hereby finds that the Mitigated Negative Declaration and the Tiered Initial Study prepared for the proposed Campus Child Care Center (the project) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The University further finds that it received the Mitigated Negative Declaration and Tiered Initial Study, and it reviewed and considered the information contained in these documents and any comments on these documents prior to approving the design of the project. The University hereby finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the University of California, and The University adopts the Mitigated Negative Declaration.

II. FINDINGS

The University hereby adopts the following Findings pursuant to Title 14, California Code of Regulations, Section 15074, in conjunction with the approval of the project, which is set forth in Section III.

A. Background

UC Davis is proposing the Campus Child Care Center (the project), which would construct and operate a new campus childcare center on a vacant site immediately west of the Recreation Pool Lodge and north of Parking Lot 30, on the central campus. The project would offer accessible, affordable, and high-quality childcare, which is necessary as a contributing factor to the recruitment, retention, and success of faculty, staff and students. The project would provide year-round childcare for approximately 95 infant through preschool-aged children. In addition, the facility would provide school holiday and summer day care for approximately 24 elementary school-aged children. The proposed Campus Child Care Center would consist of a building with approximately 9,200 gross square feet (gsf) or 7,100 assignable square feet (asf) and approximately 10,710 square feet of play yards. The project would also include a drop-off area and provide staff parking in the adjacent Parking Lot 30.

The approximately one-half acre proposed project site is currently designated in the 2003 LRDP for *Physical Education/Intercollegiate Athletics/Recreation* land use. This designation allows for “indoor and outdoor athletic facilities and fields” (2003 LRDP, 68). The conforming land use designation for the project would be *Student Housing*, which the 2003 LRDP identifies “for a variety of campus and privately-operated student housing types and densities, as well as campus

childcare centers” (2003 LRDP, 63). Land to the north and west of the project site is designated *Student Housing* in the 2003 LRDP (see the 2003 LRDP map, “Land Use (Through 2015-2016),” page 55). The project would involve changing the land use designation of the project site from *Physical Education/Intercollegiate Athletics/Recreation* to *Student Housing* to accommodate the proposed project by extending the existing *Student Housing* designation to include the one-half acre project site. The change in designation for the site would be reflected in future printings of the 2003 LRDP land use map. The proposed land use is compatible with adjacent land uses and would be appropriate within the campus context.

The proposed project is compatible with the goals of the 2003 LRDP. The LRDP land use map amendment redesignating the land use for the project site from *Physical Education/Intercollegiate Athletics/Recreation* to *Student Housing* does not displace any planned use of the site for physical education, intercollegiate athletics, or recreation purposes. The proposed project would support the 2003 LRDP objectives by providing childcare services for campus employees and students, thereby enhancing work and study on campus and enriching campus life. In particular, by providing additional childcare spaces on campus to faculty, students and staff who need such service, the proposed project would enhance the accessibility and inclusivity of the campus environment, as well as aid in the recruitment of excellent faculty, students and staff, which promotes enhanced academic excellence at UC Davis. Determination that this land use change is generally in accordance with the 2003 LRDP would be made by the UCOP prior to adopting the Mitigated Negative Declaration and the Findings for the Campus Child Care Center. Design approval of the project will be considered separately and subsequently by the UC Davis Facilities and Enterprise Policy Committee.

B. Environmental Review Process

A Tiered Initial Study (State Clearinghouse No. 2005092017) was prepared for the project in accordance with CEQA and the University of California Procedures for Implementation of CEQA. The Initial Study for the project, in accordance with Section 15168 of the CEQA Guidelines, is tiered from the campus 2003 Long Range Development Plan Environmental Impact Report (2003 LRDP EIR) (State Clearinghouse No. 2002109092), which was certified by The Regents in connection with the approval of the 2003 LRDP in November 2003.

The project is part of the physical development proposed in the 2003 LRDP; therefore, the environmental analysis for the project is presented and analyzed within the context of the 2003 LRDP and incorporates by reference applicable portions of the 2003 LRDP EIR. The 2003 LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzes the overall effects of campus growth and facility development through 2015-16, and identifies measures to mitigate the significant adverse impacts and cumulative impacts associated with that growth.

As a tiered document, the Initial Study for the project relies on the 2003 LRDP EIR for: (1) a discussion of general background and setting information for environmental topic areas; (2)

overall growth-related issues; (3) issues that were evaluated in sufficient detail in the 2003 LRDP EIR for which there are no significant new information, changes in the project, or changes in circumstances that would require further analysis; and (4) cumulative impacts. The purpose of the Tiered Initial Study is to evaluate the potential environmental impacts of the project with respect to the existing 2003 LRDP EIR analysis in order to determine what level of additional environmental review, if any, would be appropriate.

The Tiered Initial Study analyzed the potential impacts of the project and the adequacy of the existing environmental analysis in the 2003 LRDP EIR with regard to the following environmental topic areas: (1) aesthetics, (2) agricultural resources, (3) air quality, (4) biological resources, (5) cultural resources, (6) geology, soils, and seismicity, (7) hazards and hazardous materials, (8) hydrology and water quality, (9) land use and planning, (10) mineral resources, (11) noise, (12) population and housing, (13) public services, (14) recreation, (15) transportation, circulation and parking, and (16) utilities and service systems.

Based on the analysis contained in the Tiered Initial Study, it is determined that the proposed project could have two significant effects on the environment that had not been previously addressed in the 2003 LRDP EIR, and two new project-specific mitigation measures, in addition to those previously identified in the 2003 LRDP EIR, are required to reduce these effects to a less-than-significant level. Project-specific mitigation is proposed to address potential toxic air contaminants resulting from routine testing of diesel-fueled generators, and to address potential hazards resulting from accidental release of chlorine gas used to disinfect the Recreation Pool near the proposed project site. Project-specific mitigation measure MM-1 would place restrictions on testing of stationary emergency standby diesel-fueled generators within 500 feet of the childcare center. Project-specific mitigation measure MM-2 would entail either replacing the gas chlorine disinfection system with a less hazardous alternative, or updating the University Risk Management Plan and notifying users of the childcare center of the presence of the gas chlorine tanks at the time of application for attendance. Aside from the potential impacts resulting from use of diesel-fueled generators and from possible accidental release of chlorine gas, the project would not result in any other significant impacts that would not be mitigated to less-than-significant levels by previously adopted 2003 LRDP mitigation measures currently being implemented, or are not sufficiently addressed by the 2003 LRDP EIR.

Other than the identified air quality and hazardous materials impacts, the University found that the project may incrementally contribute to, but would not exceed, significant environmental impacts previously identified in the 2003 LRDP EIR. Based on this analysis, the University prepared a Mitigated Negative Declaration that reflects these conclusions.

The project's Proposed Mitigated Negative Declaration and Draft Tiered Initial Study were submitted to the State Clearinghouse in the Governor's Office of Planning and Research and circulated for a 30-day public review period beginning on September 2, 2005 and concluding on October 3, 2005. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. During the comment

period, three comments from state agencies were received. The Office of Planning and Research acknowledged that UC Davis had complied with State Clearinghouse review requirements for draft environmental documents. The comment letter from the State Department of Toxic Substances Control recommended that a Preliminary Endangerment Assessment be conducted and invited the University of California, Davis to participate in the DTSC School Property Evaluation and Cleanup Program. The California Regional Water Quality Control Board sent comments regarding storm water management during construction and operation of the project. After consideration, these comments were determined not to raise additional environmental issues that were not previously addressed in the Initial Study or the 2003 Long Range Development Plan EIR. Responses to the comments can be found in Appendix C of the Initial Study. The Initial Study for the project will be considered for adoption by The Office of the President at the time of consideration of the proposed land use amendment.

C. Relation of the Project to the LRDP EIR

The 2003 LRDP EIR is a Program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.) and Section 21080.09 of the Public Resources Code. The 2003 LRDP EIR analyzed full implementation of uses and physical development proposed under the 2003 LRDP through the year 2015-16 to accommodate a projected total enrollment level of 31,500 students, and identified measures to mitigate the significant adverse project and cumulative impacts associated with that growth. The project would result in increases to campus population consistent with the 2003 LRDP and, accordingly, would not exceed the population increase projected in the 2003 LRDP EIR. Additionally, the proposed project is consistent with the campus development that was anticipated in the 2003 LRDP and evaluated in the 2003 LRDP EIR.

The Draft Tiered Initial Study for the Campus Child Care Center project is tiered from the 2003 LRDP EIR in accordance with Sections 15152 and 15168(d) of the CEQA Guidelines and Public Resource Code Section 21094. Based on the analysis presented in the Draft Tiered Initial Study, two project-specific mitigation measures are identified and proposed.

D. Environmental Summary

The following sections summarize the environmental evaluation provided in the Tiered Initial Study for the proposed project.

1. Significant and Unavoidable Adverse Impacts and Related Mitigation Measures

The Initial Study recognized significant and unavoidable adverse impacts associated with the approval of the project and identified related mitigation measures. All of these significant and unavoidable impacts that are discussed below in the Part II.D were adequately analyzed in the 2003 LRDP EIR and were fully addressed by the Findings and Overriding Considerations

adopted by The Regents in connection with approval of the 2003 LRDP and certification of the 2003 LRDP EIR. Most of the significant and unavoidable adverse impacts identified in the Initial Study relate to cumulative development. The Initial Study evaluated the impact of cumulative development, defined by the CEQA Guidelines as "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects" (California Code of Regulations, Title 14, Section 15355(b)). The cumulative context for the cumulative impact analysis in the Initial Study included the proposed project combined with growth allowed under the 2003 LRDP and growth anticipated in the region. In accordance with the CEQA Guidelines, the Initial Study used a "plan" approach as a framework for its cumulative impact analysis that is based upon a "summary of projections contained in an adopted general plan or related planning document which is designed to evaluate regional or area-wide conditions" (California Code of Regulations, Title 14, Section 15130(b)). The project implements a portion of the 2003 LRDP, the planning document that identifies general types of campus development to support campus growth anticipated through 20015-16. The cumulative impact analysis in the Initial Study, therefore, relies on the 2003 LRDP EIR, which included analysis of campus development projected in the 2003 LRDP and related cumulative development in the campus vicinity. All significant and unavoidable impacts that were analyzed in the 2003 LRDP EIR, including the impacts discussed below in this Part II.D, were fully addressed by the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR, as subsequently amended and revised.

Significant and unavoidable cumulative impacts resulting from the proposed project in combination with growth allowed under the 2003 LRDP and growth anticipated in the region are discussed below. The University finds all of the following significant and unavoidable adverse impacts to be acceptable because the benefits of the project outweigh the unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings. Associated 2003 LRDP EIR mitigation measures are identified and briefly discussed below. For a detailed description of these mitigation measures, please see the text in the Initial Study.

a. Cumulative impacts on aesthetics from changes in overall visual character (LRDP Impact 4.1-5).

The proposed project, as part of the growth from the 2003 LRDP, would contribute to changes in overall visual character. Previously adopted LRDP Mitigation Measures 4.1-2 (a-b) (new structures, roads, and landscaping shall be designed to be compatible with the 2003 LRDP visual elements and policies, and the Campus Design Review Committee must determine that project designs are consistent with the 2003 LRDP policies) and 4.1-5 (a-b) (implement Mitigation Measure 4.1-2(a-b) and surrounding local jurisdictions can and should implement policies that support the protection of visual quality) would reduce impacts on visual character. While these measures would reduce the magnitude of this cumulative impact, it is considered significant and unavoidable. This impact was adequately analyzed and addressed in the Findings and Overriding

Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR.

b. Cumulative impacts on aesthetics from increased light and glare (LRDP Impact 4.1-6).

The proposed project, as part of the growth from the 2003 LRDP, would result in increased light sources that together with cumulative development in the region would create new sources of light and glare that could adversely affect daytime and nighttime views in the region. Previously adopted LRDP Mitigation Measures 4.1-3 (a-c) (design shall use nonreflective exterior surfaces and glass, use shielded and cutoff type light fixtures for outdoor lighting, and any use of non-cutoff, non-shielded lighting fixtures shall require review by the Campus Design Review Committee to ensure that a minimum amount of such lighting needed to achieve the desired nighttime emphasis and that such lighting creates no adverse effect on nighttime views) and 4.1-6(a-b) (implementation of 4.1-3(a-b) and surrounding jurisdictions should implement standards and guidelines which support minimal use of site lighting) would continue to be implemented and would aid in reducing the potential lighting impact identified in the 2003 LRDP. Because the campus cannot guarantee the implementation of this measure by surrounding jurisdictions, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds that the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

c. Impacts on air quality from emissions that exceed YSAQMD Thresholds (LRDP Impact 4.3-1 and 4.3-3).

The project would result in increased emissions of criteria pollutants that could contribute to overall operational emissions exceeding the Yolo-Solano Air Quality Management District Thresholds. The potential emissions are within the emission projections contained in the 2003 LRDP EIR. Previously adopted LRDP Mitigation Measures 4.3-1(a) (requiring the campus to reduce emissions from vehicles), (b) (requiring reduction of emissions from area sources) and (c) (requiring the campus to participate in YSAQMD planning efforts) are continuing to be implemented and will aid in reducing the potential impact to air quality identified in the 2003 LRDP. Previously adopted LRDP Mitigation Measures 4.3-3(a-c) (requiring the campus to reduce emissions from construction activities) are continuing to be implemented and will aid in reducing the potential impact to air quality identified in the 2003 LRDP. Because the University cannot guarantee the implementation of Mitigation Measure 4.3-1 by the Air Quality Management District, and because Mitigation Measure 4.3-3 may not reduce the impact to a less-than-significant level, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations

adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds that the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

d. Cumulative impacts on air quality from emissions that exceed YSAQMD Thresholds (LRDP Impact 4.3-6).

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would result in a cumulatively considerable increase of non-attainment pollutants. Previously adopted LRDP Mitigation Measure 4.3-6 (requiring the campus to implement Measure 4.3-1(a-c), described in the above item II.D.1.b) would continue to be implemented and would aid in reducing emissions. Because the campus cannot guarantee the implementation of this measure by surrounding jurisdictions, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds that the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

e. Cumulative impacts on archaeological resources (LRDP Impact 4.5-3).

The proposed project could result in a substantial adverse change to historical or archaeological resources on the project site. Previously adopted LRDP Mitigation Measures 4.5-1 through 4.5-5 (requiring the campus to evaluate project sites for historic buildings and archaeological resources and protect discovered resources; to take appropriate steps to minimize the potential for such disturbance and; if disturbance occurs, to follow all requirements to protect the human remains and complete the proper reinterment procedures) would continue to be implemented and would aid in reducing disturbance to archaeological resources. The campus would prefer to preserve significant resources where possible; however, because there may be cases in which avoidance or preservation of such a resource is not feasible, this project-level impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds that the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

f. Cumulative impacts on archaeological resources (LRDP Impact 4.5-5).

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would result in a cumulatively considerable disturbance to archaeological resources in the region. Previously adopted LRDP Mitigation Measures 4.5-1 through 4.5-5 (as described in the above item II.D.1.e) would still be implemented and would aid in reducing disturbance to archaeological resources. Because the campus cannot guarantee the implementation of these measures by surrounding jurisdictions, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds that the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

g. Groundwater impacts associated with increase in withdrawals from the deep and shallow/intermediate aquifers (LRDP Impacts 4.8-5, 4.8-6, 4.8-13 and 4.8-14)

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute to the demand for water from the shallow/intermediate aquifers and would increase the amount of impermeable surfaces which could substantially interfere with recharge of both the deep and shallow/intermediate aquifers. Previously adopted LRDP Mitigation Measures 4.8-5(b, d) and 4.8-6.(a-e) would require continued water conservation efforts, efforts to determine the ability of the both aquifers to provide for the campus' long-term water needs, efforts to minimize withdrawals by UC Davis and the City of Davis from the same deep aquifer, monitoring of both aquifers, and identification of alternative water sources, including surface water and recycled water. Regardless of these mitigation measures, UC Davis' future demand for water could reduce groundwater levels in one or both of these aquifers, contributing to a net deficit in the overall groundwater budget. Previously adopted LRDP Mitigation Measures 4.8-13 (a, b) and 4.8-14 (a, b) address cumulative withdrawals associated with both campus and City of Davis water demand. However, the combined effects are not well understood, and could result in a long term reduction in groundwater levels. Therefore, this impact is considered significant and unavoidable, both on a project and cumulative level. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds that the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

h. Cumulative impacts on water quality associated with increased impervious surface resulting in increased storm water runoff (LRDP Impact 4.8-10)

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute to increased impervious surfaces. Alterations to drainage patterns associated with other development in the watershed could increase storm water runoff and could provide substantial sources of polluted runoff, which could adversely affect receiving water quality. Previously adopted LRDP Mitigation Measure 4.8-10 (a-c) requires the campus and regional jurisdictions to comply with NPDES Phase II requirements and implement SWPPPs for specified industrial and construction activities. However, implementation of LRDP Mitigation Measure 4.8-10(b) and (c) cannot be guaranteed by the University of California because it falls within other jurisdictions to enforce and monitor. Therefore, the impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds that the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

i. Cumulative increases in traffic noise associated with increased vehicular traffic (LRDP Impacts 4.10-2 and 4.10-5)

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute to increased vehicle traffic and, therefore, ambient noise levels. Previously adopted LRDP Mitigation Measure 4.10-2(a-b) would address this impact by requiring specific noise abatement and noise control programs on campus and in the City of Davis. However, the campus cannot ensure that LRDP Mitigation Measure 4.10-2(a) would be implemented by the City, and it is uncertain whether this measure would effectively reduce noise to acceptable levels. Therefore, the impact would still be considered significant and unavoidable. These impacts were adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

j. Growth associated with increased campus population (LRDP Impact 4.11-1).

The effect of direct population growth associated with the 2003 LRDP, including the proposed project, is considered a significant and unavoidable impact. The 2003 LRDP EIR did not identify any mitigation measures to reduce the significance of impacts associated with population growth. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's

other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

k. Cumulative demands on public services, including regional fire and police protection, schools, and parks (LRDP Impacts 4.12-6, 4.12-7 and 4.13-2).

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute to regional demand for fire and police services and to the requirement for new school and park facilities. Construction of those new facilities could result in development of agricultural areas and loss of habitat. Previously adopted LRDP Mitigation Measures 4.12-6, 4.12-7 and 4.13-2 would provide for UC Davis to contribute a fair share of costs for feasible mitigation to reduce the environmental effects of providing those services. However, impacts associated with loss of prime farmland and habitat would be irreversible, and the cumulative impacts are thus considered significant and unavoidable. These impacts were adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

l. Traffic impacts resulting in unacceptable level of service (LOS) at off-campus intersections and roadways (LRDP Impact 4.14-2)

The proposed project, as part of the growth from the 2003 LRDP, would contribute to traffic increases associated with additional campus population, which would result in unacceptable LOS at off-campus intersections and roadways. Previously adopted LRDP Mitigation Measures 4.14-1(a-c) and 4.14-2(a-c) would address these impacts by requiring the campus to continue to pursue Transportation Demand Management strategies to reduce vehicle-trips, monitor peak hour traffic operations at critical locations, review individual projects to determine if operations will degrade to unacceptable levels, and contribute fair share costs to roadway improvements if operations degrade. Because the feasibility and/or implementation of off-campus roadway and intersection improvements is ultimately within the jurisdiction of other authorities and cannot be guaranteed by the University, this impact is considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

m. Cumulative demands for wastewater treatment facilities in the region, construction of which could result in significant environmental impacts (LRDP Impact 4.15-10)

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute to regional demand for wastewater treatment facilities, which the 2003 LRDP EIR recognized could result in significant environmental impacts. Previously adopted LRDP Mitigation Measure 4.15-10 would provide for UC Davis to contribute a fair share of costs for feasible mitigation. However, impacts associated with an irreversible loss of prime farmland and habitat could not be mitigated to less-than-significant levels, and the cumulative impacts are thus considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

2. Significant and Potentially Significant Impacts that would be Mitigated to "Not Significant" or "Less-than-Significant" Levels and Related Mitigation Measures

The Tiered Initial Study identifies the following significant and potentially significant impacts associated with the project that would be reduced to "not significant" or "less-than-significant" levels by the continued implementation of previously adopted 2003 LRDP mitigation measures. The associated mitigation measures are identified and briefly discussed below. For a detailed description of these mitigation measures, please see the text in the Initial Study.

a. Development under the 2003 LRDP could degrade the visual character of the campus by substantially degrading the valued elements of the visual landscape identified in the 2003 LRDP (LRDP Impact 4.1-2)

The proposed project would include installation of perimeter fencing around the play yards associated with the facility, which could result in visual impacts to views from off-site. Campus development allowed under the 2003 LRDP could degrade the visual character of the campus. Previously adopted 2003 LRDP Mitigation Measure 4.1-2 (a-b) requires the campus to design the project to be compatible with the visual elements and policies identified in the 2003 LRDP, and for project design to be reviewed by the Campus Design Review Committee for consistency with those elements and policies, applicable planning guidelines, and the character of the surrounding development. The campus continues to implement this mitigation measure when needed to avoid adversely impacting visual character of the campus. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

b. Development under the 2003 LRDP could create substantial light and glare on campus that could adversely affect daytime or nighttime views in the area (LRDP Impact 4.1-3)

The proposed project would include installation of outdoor lighting, which would result in additional nighttime lighting on the campus. Campus development allowed under the 2003 LRDP could create substantial light or glare that could adversely affect daytime or nighttime views in the area. The outdoor lighting installed as part of the project would use directional lighting methods to minimize glare and upward directed light. Previously adopted 2003 LRDP Mitigation Measure 4.1-3 (b)-(c) requires the campus to utilize directional lighting methods with shielded and cutoff type light fixtures, and to require review of any non-directional lighting elements by the Campus Design Review Committee. The campus continues to implement this mitigation measure when needed to avoid adversely impacting daytime or nighttime views in the area. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

c. Regional growth could result in an increase in toxic air contaminants (LRDP Impact 4.3-8).

Growth from the 2003 LRDP, in combination with expected regional growth, could result in a cumulatively considerable increase of toxic air contaminants which could expose sensitive receptors to pollutant concentrations. Previously adopted LRDP Mitigation Measure 4.3-8 (requiring the campus to monitor new regulations and programs from responsible regulating agencies and implement appropriate changes on campus) would be implemented and would aid in reducing toxic air contaminants (TAC). Because the responsible regulating agencies (California Air Resources Board (CARB), Federal Environmental Protection Agency) are giving priority to air toxics regulation, there are reduction programs under development and/or in effect, and technologies are available to achieve substantial additional TAC reductions, CARB's projections of continuing regional TAC reductions are well supported, resulting in a less-than-significant cumulative impact. There is a diesel-fueled generator within 500 feet of the southern boundary of the project site. In order to observe the intent behind a recent CARB Air Toxic Control Measure that is applicable to school but not directly applicable to childcare centers, project-specific Mitigation Measure 1 (hours restrictions on non-emergency operation of stationary emergency standby diesel-fueled generators within 500 feet of the project) is hereby adopted and incorporated into the project, along with 2003 LRDP Mitigation Measure 4.3-8. Implementation of project specific Mitigation Measure 1 would reduce the impact to a less-than-significant level.

d. Development under the 2003 LRDP could result in the loss of habitat and disruption of nesting efforts and the loss of active nest sites for Swainson's hawks or other birds of prey (LRDP Impacts 4.4-4 and 4.4-5)

Campus development allowed under the 2003 LRDP could disrupt nesting efforts or result in the loss of active nest sites for Swainson's hawk. Burrowing owls have not been found on the Campus Child Care Center site. Swainson's hawks have not nested on the Campus Child Care Center site, but they have nested within ½ mile of the project site. Previously adopted 2003 LRDP Mitigation Measures 4.4-4 (a-b) and 4.4-5 require the campus to preserve agricultural land and conduct pre-construction and annual surveys for nesting birds, to take feasible action if potential disturbance to nesting raptors is identified, and to allow the campus to minimize the potential impact. The campus continues to implement this mitigation measure when needed to ensure adequate protection of nesting efforts by Swainson's hawks and other birds of prey. Implementation of these mitigation measures would reduce the impact to a less-than-significant level.

e. Development under the 2003 LRDP could result in the removal of specimen trees (LRDP Impact 4.4-11)

Campus development allowed under the LRDP could result in removal of important trees. In accordance with previously adopted 2003 LRDP Mitigation Measure 4.4-11, a tree survey of the project site was conducted to identify heritage and specimen trees, and the project is being designed to protect in place all trees identified as worthy of preservation. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

f. Implementation of the 2003 LRDP could damage, destroy or cause a substantial adverse change in the significance of an archaeological resource or historic building or structure as the result of grading, excavation, ground disturbance or other project development (LRDP Impacts 4.5-1. 4.5-2).

Campus development allowed under the 2003 LRDP could disrupt, damage or destroy archaeological resources. Previously adopted 2003 LRDP Mitigation Measures 4.5-1 (a)-(b) and 4.5-2 require the campus to evaluate project sites for historic buildings and archaeological resources and protect discovered resources. The campus continues to implement these mitigation measures when needed to ensure adequate protection of historic buildings and archaeological resources. Implementation of these mitigation measures would reduce the impact to a less-than-significant level.

g. Implementation of the 2003 LRDP could disturb human remains, including those interred outside of formal cemeteries (LRDP Impact 4.5-4).

Campus development allowed under the 2003 LRDP could result in disturbance of human remains, including those interred outside of formal cemeteries. Previously adopted 2003 LRDP Mitigation Measure 4.5-4 (a, b) requires the campus to take appropriate steps to minimize the potential for such disturbance and, if disturbance occurs, to follow all requirements to protect the

human remains and complete the proper reinterment procedures. The campus continues to implement this mitigation measure during project planning and construction. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

- h. Implementation of the 2003 LRDP would not create a significant hazard to the public or to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

Growth under the 2003 LRDP could expose sensitive receptors associated with the project to chlorine gas used to disinfect the nearby Recreation Pool. Implementation of project-specific mitigation measure 2 (requiring replacement of the gas chlorine disinfection system with a less hazardous alternative or else updating the University Risk Management Plan and informing users of the childcare facility at the time of their application for attendance about the presence of the chlorine gas) which is hereby adopted and incorporated into the project, along with continued implementation of previously adopted, but not required, 2003 LRDP Mitigation Measure 4.7-9 (standard practices for storage and transportation of hazardous materials), would reduce the impact to a less-than-significant level.

- i. Campus development under the 2003 LRDP could physically interfere with the campus Emergency Operations Plan (LRDP Impact 4.7-17).**

Campus development allowed under the 2003 LRDP could physically interfere with the campus Emergency Operations Plan. Previously adopted 2003 LRDP Mitigation Measure 4.7-17 requires the campus to either maintain existing access routes for emergency vehicles or provide suitable construction related detours for emergency vehicles. The campus continues to implement this mitigation measure when needed to ensure adequate emergency vehicle access for the campus. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

- j. Campus development under the 2003 LRDP would increase impervious surfaces on the campus and could alter drainage patterns, thereby increasing runoff and loads of pollution in storm water, which could affect water quality (LRDP Impact 4.8-2).**

Campus development allowed under the 2003 LRDP would increase stormwater runoff and pollution. Previously adopted 2003 LRDP Mitigation Measure 4.8-2 requires the campus to comply with storm water management plan measures to minimize additional pollutants. The campus continues to implement this mitigation measure when needed so that storm water pollution effects are minimized. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

- k. Implementation of the 2003 LRDP in combination with regional development could alter drainage patterns in the project area and increase impervious surfaces, which could exceed the capacity of storm water drainage systems and result in localized flooding and contribution to offsite flooding (LRDP Impacts 4.8-3 and 4.8-11).**

Campus development allowed under the 2003 LRDP in combination with regional development would increase impervious surfaces which could result in runoff exceeding the capacity of storm drainage systems. Previously adopted 2003 LRDP Mitigation Measure 4.8-3 (a, b) requires the campus to perform storm drainage studies for each new development and design and implement any needed improvements. The campus continues to implement this mitigation measure when needed so that flooding effects are minimized. Implementation of the mitigation measure would reduce both project and cumulative impacts to a less-than-significant level.

- l. Campus growth under the 2003 LRDP in combination with regional development would increase discharge of treated effluent from the campus wastewater treatment plant into the South Fork of Putah Creek, which could exceed waste discharge requirements and degrade receiving water quality. (LRDP Impacts 4.8-4 and 4.8-12).**

Campus development allowed under the 2003 LRDP in combination with regional development would increase discharge of treated effluent which could degrade receiving water quality. Previously adopted 2003 LRDP Mitigation Measure 4.8-4 (a, b) requires the campus to continue to monitor and modify its pretreatment program, Wastewater Treatment Plant operation, and/or treatment processes as necessary to comply with waste discharge requirements. The campus continues to implement this mitigation measure so that water quality effects of discharge are minimized. Implementation of the mitigation measure would reduce both project and cumulative impacts to a less-than-significant level.

- m. Construction of campus facilities under the 2003 LRDP could expose nearby receptors to excessive groundborne vibration and airborne or groundborne noise (LRDP Impact 4.10-1).**

Campus development allowed under the 2003 LRDP could increase the potential for noise impacts near construction sites. Previously adopted 2003 LRDP Mitigation Measure 4.10-1 requires the campus to enact a construction noise mitigation program to minimize the effects of construction noise. The campus continues to implement this mitigation measure when needed so that the effects of construction noise are minimized. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

n. Project specific impact resulting in unacceptable intersection operations at on-campus intersections (LRDP Impact 4.14-1).

Campus development allowed under the 2003 LRDP would increase traffic and could increase the potential for unacceptable operation of on-campus intersections. Previously adopted 2003 LRDP Mitigation Measures 4.14-1(a-c) and 4.14-2 (a-c) require the campus to continue to pursue Transportation Demand Management strategies to reduce vehicle-trips, monitor peak hour traffic operations at critical locations, and review individual projects to determine if operations will degrade to unacceptable levels. The campus continues to implement these mitigation measures when needed so that the traffic impacts are minimized. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

o. Implementation of the 2003 LRDP would create additional parking demand (LRDP Impact 4.14-3).

Campus development allowed under the 2003 LRDP would create demand for parking. Previously adopted 2003 LRDP Mitigation Measure 4.14-3(a-b) requires the campus to continue to pursue Transportation Demand Management strategies to reduce parking demand, and provide additional parking as needed. The campus continues to implement this mitigation measure when needed so that the traffic impacts are minimized. Implementation of this mitigation measure would reduce the impact to a less-than-significant level.

p. Implementation of the 2003 LRDP would create increase demand for transit services (LRDP Impact 4.14-4).

Campus development allowed under the 2003 LRDP would create demand for transit services. Previously adopted 2003 LRDP Mitigation Measure 4.14-4 requires the campus to continue to provide additional transit services or new transit routes as needed. The campus continues to implement this mitigation measure when needed so that the traffic impacts are minimized. Implementation of this mitigation measure would reduce the impact to a less-than-significant level.

q. Implementation of the 2003 LRDP would result in increased conflicts between bicyclists, pedestrians, and transit vehicles (LRDP Impact 4.14-5).

Growth in population levels in the core area of the central campus associated with campus development allowed under the 2003 LRDP, including operation of the proposed project, would result in increased conflicts between bicyclists, pedestrians, and transit vehicles, causing increased congestion and safety problems. Previously adopted 2003 LRDP Mitigation Measure 4.14-5 requires the campus to continue to monitor core area pedestrian and bike activity and accidents, and to improve bike and pedestrian facilities or alter transit operations to avoid increased bicycle accident rates or safety problems. The campus continues to implement this

mitigation measure when needed so that the transportation impacts are minimized. Implementation of this mitigation measure would reduce the impact to a less-than-significant level.

- r. Implementation of the 2003 LRDP would require the expansion of natural gas transmission systems, which would result in environmental impacts (LRDP Impact 4.15-7).**

Campus development allowed under the 2003 LRDP would require expansion of natural gas transmission systems. Previously adopted 2003 LRDP Mitigation Measures 4.15-7 (a, b) require the campus to review project needs to determine if existing systems are adequate and if modifications are necessary. The campus continues to implement these mitigation measures when needed so that utility system impacts are minimized. Implementation of these mitigation measures would reduce the impact to a less-than-significant level.

3. Less-than-Significant Impacts for which Mitigation Measures Have Been Incorporated and Related Mitigation Measures

The Initial Study identifies the following less-than-significant impacts for which 2003 LRDP mitigation measures have been incorporated as part of the project. Mitigation to further reduce less-than-significant impacts is not required by CEQA. The mitigation measures identified below are presented in summary form. For a detailed description of these measures, please see the Initial Study.

- a. Implementation of the 2003 LRDP would increase routine hazardous chemical use on campus by UC Davis laboratories and departments and in maintenance and support operations, which would not create significant hazards to the public or the environment.**

The project, as part of growth under the 2003 LRDP, would include use of building construction and cleaning materials, which would not expose employees or campus occupants to significant levels of potentially hazardous materials. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the low hazard risk to the public and to the environment. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-1 (continued implementation of chemical safety plans and programs) will continue to further reduce this less-than-significant impact.

- b. Implementation of the 2003 LRDP could increase routine generation of hazardous wastes on campus by UC Davis laboratories and departments and from maintenance and support**

operations, which would not create significant hazards to the public or the environment.

The project, as part of growth under the 2003 LRDP, would include use of building construction and cleaning materials, which would not expose employees or campus occupants to significant levels of potentially hazardous materials. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the low hazard risk to the public and to the environment. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-2 (a and b) (continued implementation of chemical safety plans and programs and continued implementation of hazardous waste management programs) will continue to further reduce this less-than-significant impact.

c. Implementation of the 2003 LRDP would increase the routine transport of hazardous materials to and from campus, which would not significantly increase hazards to the public or the environment.

The project, as part of growth under the 2003 LRDP, would include transport of building construction and cleaning materials to and from the project site, which would not expose employees or campus occupants to significant levels of potentially hazardous materials. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the low hazard risk to the public and to the environment. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-8 (continued implementation of requirement to transport chemicals on public roads in conformance with all legal transportation requirements) will continue to further reduce this less-than-significant impact.

d. Construction activities on campus under the 2003 LRDP would not expose construction workers or campus occupants to contaminated soils or groundwater.

The project, as part of growth under the 2003 LRDP, would include ground-disturbing construction activities which could expose construction workers or campus occupants to contaminated soils or groundwater. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the low hazard risk. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-12 (performance of due diligence assessments of sites where ground-disturbing construction is proposed) will continue to further reduce this less-than-significant impact.

e. Campus construction activities associated with implementation of the 2003 LRDP would not contribute substantial loads of sediment

or other pollutants in storm water runoff that could degrade receiving water quality.

The project, as part of growth under the 2003 LRDP, would contribute to sediment in stormwater runoff. This impact was determined in the 2003 LRDP EIR to be less-than-significant because the campus will continue to implement erosion control measures to eliminate or reduce non-storm and storm water discharges to receiving waters. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.8-1 (implementation of erosion control for construction projects) will continue to further reduce this less-than-significant impact.

f. Implementation of the 2003 LRDP would require the expansion of campus domestic/fire water extraction and conveyance systems, which would not cause significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus domestic/fire water extraction and conveyance systems. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-1 (a and b) (conducting utility assessments prior to connecting new projects and implementing conservation strategies) will continue to further reduce this less-than-significant impact.

g. Implementation of the 2003 LRDP would require the expansion of campus utility water extraction and conveyance systems, which would not cause significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus utility water extraction and conveyance facilities. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements and the relatively small construction activities that would be required to complete the system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-2(a and b) (conducting supply assessments prior to connecting new projects and implementing water conservation strategies) will continue to further reduce this less-than-significant impact.

h. Implementation of the 2003 LRDP would require the expansion of wastewater treatment and conveyance facilities, the construction and operation of which would not result in significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus wastewater treatment and conveyance facilities. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-3 (conducting utility assessments prior to connecting new projects) will continue to further reduce this less-than-significant impact.

i. Implementation of the 2003 LRDP would require the expansion of campus storm water drainage conveyance and detention facilities, which would not result in significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus storm drainage conveyance and retention facilities. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-4 (conducting utility assessments prior to connecting new projects) will continue to further reduce this less-than-significant impact.

j. Implementation of the 2003 LRDP would require the expansion of the campus electrical system, which would not result in significant adverse environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus electrical system. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-6 (a and b) (conducting utility assessments prior to connecting new projects and implementing conservation measures) will continue to further reduce this less-than-significant impact.

k. Implementation of the 2003 LRDP would require expansion of campus communication facilities, which would not result in significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus communication facilities. This impact was determined in the 2003

LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-9 (conducting utility assessments prior to connecting new projects) will continue to further reduce this less-than-significant impact.

E. Additional Findings

1. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Mitigated Negative Declaration for the project; the Initial Study for the project; the 2003 LRDP; the 2003 LRDP EIR; the 2003 LRDP Mitigation Monitoring Program; and the Findings and Statement of Overriding Considerations adopted by The Regents in connection with its approval of the 2003 LRDP. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, project and cumulative impacts, and the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project.

2. Mitigation Monitoring Program

When making findings, a lead agency must adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The University of California, Office of the President, as part of the approval (see Section III), adopts the Mitigation Monitoring Program for the Campus Child Care Center Project, set forth in Appendix B of the Tiered Initial Study, along with the land use amendment approval of the Campus Child Care Center project. The Mitigation Monitoring Program applies to the future construction and operation of the project.

To the extent that this project incorporates relevant 2003 LRDP EIR mitigation measures previously adopted by The Regents, implementation of these mitigation measures would be monitored pursuant to the 2003 LRDP EIR monitoring program, previously adopted by The Regents in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The 2003 LRDP EIR Mitigation Monitoring Program is designed to reduce or eliminate cumulative significant and unavoidable, significant, and potentially significant impacts, as well as impacts determined to be less-than-significant. The 2003 LRDP EIR also identified mitigation measures that would further reduce environmental impacts determined to be less-than-significant. While there is no requirement in CEQA to mitigate insignificant environmental impacts, mitigation measures further reducing less-than-significant impacts are included in the approval of the project to further enhance environmental quality.

3. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the University bases its findings and decisions contained herein. Most documents related to this project are located in the campus Office of Resource Management and Planning, University of California, One Shields Avenue, 376 Mrak Hall, Davis, California 95616. The record of proceedings for the 2003 LRDP approval is also located in the Office Resource Management and Planning. The custodian for these documents is the Office of Resource Management and Planning.

F. Statement of Overriding Considerations

The University has balanced the benefits of the project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, and other benefits of the project outweigh the unavoidable significant adverse environmental effects. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions based on the Initial Study and/or other information in the record. The Findings and Statement of Overriding Considerations adopted by The Regents in connection with its approval of the 2003 LRDP are equally relevant to, and are adopted as a part of, this project. All cumulative significant and unavoidable impacts were previously addressed in the Findings and Overriding Considerations adopted by the University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. These Findings and Overriding Considerations have been re-evaluated and are found to be current and valid Findings and Overriding Considerations. Despite the occurrence of significant and unavoidable cumulative adverse environmental effects in the areas of aesthetics, criteria and non-attainment air pollutants, archaeological resources, groundwater, surface water quality, noise, population, public services, recreation, traffic, and utilities, the additional reasons for the approval of the project are as follows:

1. The project implements a portion of the 2003 LRDP and is consistent with the analysis in the 2003 LRDP EIR.
2. The project provides accessible, affordable, and high-quality childcare for the campus community.
3. The project helps achieve a campus development objective of placing 'edge uses,' such as a child care facility, in close proximity to academic core activities to foster a sense of community and provide a much-needed service.

G. Summary

Based on the foregoing Findings and the information contained in the record, The University finds with respect to the project:

1. Changes or alterations have been required in, or incorporated into, the Approval for the project. These changes or alterations mitigate to a less-than-significant level or avoid the potentially significant environmental effects of the project as identified in the Tiered Initial Study.
2. The Office of the President, as part of the approval (see Section III), adopts the mitigated negative declaration for the Campus Child Care Center project in connection with the approval of the 2003 LRDP land use amendment for the project.
3. Any significant cumulative impacts to which the project contributes and that are found to be unavoidable were fully analyzed in the 2003 LRDP EIR and are acceptable due to the factors described and adopted in the Findings and Statement of Overriding Considerations in Section II.F, above.

III. APPROVAL

The University hereby takes the following actions:

- A.** Adopts the Mitigated Negative Declaration for the project as described in Section I, above, having independently reviewed and analyzed the Mitigated Negative Declaration and Final Initial Study and any comments received on these documents.
- B.** Approves and incorporates into the project all project elements, relevant 2003 LRDP EIR mitigation measures, project-specific mitigation measures, and the project-specific monitoring program identified in the project's Tiered Initial Study.
- C.** Adopts the Findings in their entirety as set forth in Section II, above.
- D.** Amends the 2003 LRDP land use map, as described in Section 7.9 of the Initial Study, to change the land use designation of the project site from *Physical Education/Intercollegiate Athletics/Recreation* to *Student Housing*.

MITIGATION MONITORING PROGRAM

CEQA requires that the Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This Mitigation Monitoring Program (MMP) is designed to ensure that the project-specific mitigation measures identified in this Tiered Initial Study are implemented. Applicable mitigation measures from the 2003 LRDP EIR will be implemented as part of the proposed project pursuant to the previous MMP adopted by the Regents as part of the 2003 LRDP on November 20, 2003.

The MMP for the proposed project, as outlined in the following table, describes monitoring and reporting procedures, monitoring responsibilities, and monitoring schedules for the project-specific mitigation measures identified in the Tiered Initial Study. All monitoring actions, once completed, will be reported in writing to or by the UC Davis Office of Resource Management and Planning, which will maintain mitigation monitoring records for the proposed project. The MMP will be considered by the campus in conjunction with project review and will be included as a condition of project approval.

The components of the MMP include:

- a) **Project Specific Mitigation Measure:** The project-specific mitigation measures provide mitigation for the proposed project beyond the measures that will be implemented pursuant to the 2003 LRDP EIR.
- b) **Monitoring and Reporting Procedure:** Identifies the action(s) that must be completed for the mitigation measures to be implemented.
- c) **Mitigation Timing:** Identifies the timing for implementation of each action associated with the mitigation measures in order to effectively accomplish the intended outcome.
- d) **Monitoring Responsibilities:** Identifies the UC Davis entity responsible for undertaking the required action and monitoring the mitigation measure.

Mitigation Monitoring Program

| Project-Specific Mitigation Measure | Monitoring and Reporting Procedure | Mitigation Timing | Mitigation Responsibility |
|--|--|--|--|
| <p>Project-Specific Mitigation Measure 1: No stationary emergency standby diesel-fueled generators within 500 feet of the childcare center (both the building and the associated play yards) shall be operated for non-emergency uses, including testing or maintenance, between 7:30am and 3:30pm on days when the childcare center is open to care for children.</p> | <p>Prepare a regular report documenting timing and duration of diesel-fueled generator operation for all generators located within 500 feet of the childcare center.</p> | <p>Ongoing as an operational requirement for the duration of the childcare center operating on that project site; or until and if regulation changes which no longer requires this restriction.</p> | <p>Environmental Health & Safety; Operations & Maintenance</p> |
| <p>Project-Specific Mitigation Measure 2: Before the proposed childcare center facility opens to receive children for caregiving, either:</p> <p>(a) The gas chlorine disinfection system at the nearby Recreation Pool shall be replaced with a less hazardous alternative, which could be a liquid chlorine, dry chemical chlorine (tablet), or ozone disinfection system, and, whichever system is chosen, a safety plan for the Recreation Pool area will be developed by the UC Davis campus that would meet applicable regulatory standards; or</p> <p>(b) The University Risk Management Plan shall be updated to address the proximity of a new group of sensitive receptors in the vicinity of the gas chlorine disinfection system at the Recreation Pool, and the childcare center operator and users (parents and/or guardians) shall be notified in writing of the presence of the gas chlorine tanks and of the relevant elements of the RMP at the time of their application for attendance. As required by CalARP, the RMP update shall address the hazards that could affect employees, residents, offsite public and environmental receptors; provide the results of an offsite consequences analysis; define a prevention program, emergency response program, and mitigation measures to reduce the probability and magnitude of accidental releases of regulated substances; and establish a schedule and responsibilities for implementation of mitigation measures and auditing of program elements. In addition the campus shall conduct annual emergency drills to ensure that emergency response actions would be implemented effectively in the event of a chlorine gas release.</p> | <p>Either present to the project proponent (Human Resources: Child Care and Family Services) and ORMP evidence of the disinfection system changeover, which shows that the gas chlorine system has been removed; or else present to the project proponent (Human Resources: Child Care and Family Services) and ORMP a copy of the updated Risk Management Plan.</p> | <p>Before the proposed childcare center facility opens to receive children for caregiving; to be coordinated with the project managers of the Campus Child Care Center project; and as long as the gas chlorine tanks remain in place, notification will be given to each applicant (parent and/or guardian) at the time of their application.</p> | <p>Student Affairs together with Environmental Health & Safety</p> |