

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE DESIGN AND CONSTRUCTION
OF KING HALL RENOVATION AND EXPANSION,
DAVIS CAMPUS**

I. ADOPTION OF THE NEGATIVE DECLARATION

Pursuant to Title 14, California Code of Regulations, Section 15074(b), the Facilities and Enterprise Policy Committee of the University of California, Davis campus (the campus) 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 Negative Declaration and the Tiered Initial Study prepared for the proposed King Hall Renovation and Expansion (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 reviewed and considered the information contained in the Negative Declaration and Tiered Initial Study, and any comments on these documents prior to approving the design of the project. The University hereby finds that the Negative Declaration reflects the independent judgment and analysis of the University and adopts the 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, below.

A. Background

UC Davis is proposing to construct and operate the King Hall Renovation and Expansion project. The project would renovate and expand the existing Martin Luther King Jr. Law School building, located on Mrak Hall Drive, in the southern area of the central campus. Bordering uses include the Arboretum to the south; Mrak Hall and the circular drive to the east; Parking Lot 3 to the north; and an Operations and Maintenance (O&M) complex to the west. A portion of the O&M complex will be moved to a new location within the next year and will be replaced by a new Physical Sciences building.

The School of Law at UC Davis moved into Martin Luther King, Jr. Hall, in 1968. To accommodate planned growth and the emergence of new programs as legal education evolved over the past 40 years, the School has incrementally partitioned and converted the space of the existing building to new functions. The result is a facility configuration that is inefficient, disjointed, over-crowded, and fundamentally insufficient to support the teaching, research, and service programs of the School.

To correct these deficiencies, the Davis campus proposes to add an approximately 18,800 assignable square feet¹ (asf) (approximately 29,795 gross square feet) addition to King Hall, renovate approximately 14,300 asf (approximately 20,870 gross square feet) of King Hall, and upgrade building systems. The project would relieve over-crowding and allow consolidation of program functions in the existing building to address the most urgent needs for office space and library space. The project would include a new trial practice room and additional meeting space. The completed project would provide an integrated facility that coordinates office, library, and instructional functions into cohesive program units.

Because the School is cramped for space and inefficiently organized, the project is intended only to provide relief and raise the ratio of total facility space to students to be comparable with peer institutions. Thus, while adding new space, the project would not add any new members of the campus population.

The project would require upgrades of offsite chilled water and steam utility lines. These upgrades likely would not be completed before the building renovation and addition were completed and occupied. Consequently, the project design would include options to provide cooling and heating to the building that do not require reliance upon these upgrades, but which would allow for connections to the campus chilled water and steam loops upon completion of those upgrades.

One of five Robert Arneson site-specific sculptures commissioned for the campus, colloquially referred to as the “eggheads,” is located on the law school project site. The Arneson sculptures were sited as part of the outdoor campus art collection in the early 1990s. The law school sculpture (titled *See No Evil/Hear No Evil* and comprised of two of the “eggheads”) would be relocated on the Mrak Hall Drive Circle next to the project site to retain the site-specific nature of the installation, per the intent of the artist.

Construction of the proposed project is anticipated to begin in winter or early spring 2008 and end in late fall 2009 or winter 2010.

The campus has identified the following objectives for the proposed King Hall Renovation and Expansion project:

- Provide expanded and improved office and library spaces;
- Upgrade the existing building from its 40-year-old condition;
- Reorganize the library to improve circulation and security;
- Consolidate faculty offices into a single wing;
- Consolidate instructional space;
- Consolidate and expand student services;

¹ Gross square footage (gsf) is defined as the total floor or surface areas of a building. Assignable square footage (asf) is defined as the total floor or surface areas of rooms that are assigned or available for assignment to an occupant or specific use, including every type of space functionally usable by an occupant. For example, lobbies, restrooms or mechanical space do not have assignable space, and are not included in asf calculations. For similar buildings, asf is significantly lower than the corresponding “rentable square feet” used to describe commercial buildings.

- Provide space to expand academic and administrative functions not accommodated in the original 40-year-old design;
- Install fire alarm and fire sprinkler systems throughout the facility and provide domestic water connections to support the fire sprinkler system;
- Move all non-clinical functions from the temporary buildings to King Hall; and
- Implement sustainable design features.

The proposed project is a component of development consistent with the campus 2003 Long Range Development Plan (LRDP). The 2003 LRDP designates the proposed project site for an *Academic and Administrative* land use, which includes facilities that facilitate the teaching, research, and public service mission of the University of California. This land use designation also includes setbacks, landscaping, paths, on-site utility services, sidewalks, small parking lots, and roads associated with facilities. The project would renovate existing academic space and add academic and administrative space, consistent with the land use designation for the site. The proposed project would result in no enrollment or employment increase to the campus population.

B. Environmental Review Process

A Tiered Initial Study (State Clearinghouse No. 2006092036) 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 project would not result in any 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. 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 Negative Declaration that reflects these conclusions.

The project's Proposed 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 8, 2006 and concluding on October 9, 2006. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. Three letters were received during the comment period: two public comments were received regarding the relocation of the sculptures associated with the project site, and the Department of Water Resources commented upon a possible requirement for a flood plain encroachment permit to reconfigure existing stormwater drains. Responses to comments can be found in Appendix B of the Initial Study.

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 not result in any increase to the campus population, and accordingly, would not exceed the population increase projected in the 2003 LRDP EIR. Additionally, the proposed project is consistent with and is part of the campus development that was anticipated in the 2003 LRDP and evaluated in the 2003 LRDP EIR.

The Tiered Initial Study for the King Hall Renovation and Expansion 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 Tiered Initial Study, no project-specific mitigation measures are identified and no project-specific mitigation measures are 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 did not identify any project-specific impacts, but did recognize that the project would contribute to several LRDP EIR project and cumulative significant and unavoidable adverse impacts and identified related mitigation measures previously adopted in the 2003 LRDP EIR. All of these significant and unavoidable impacts that are discussed below in this Part II.D were adequately analyzed in the 2003 LRDP EIR and were fully addressed by the Findings and Statement of Overriding Considerations adopted by The Regents in connection with approval of the 2003 LRDP and certification of the 2003 LRDP EIR. 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 reasonably foreseeable probable future projects" (California Code of Regulations, Title 14, Section 15355(b)). The context for the cumulative impact analysis in the Initial Study consisted of 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 which is based on 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 2015-16. 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.

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 Regents 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.

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 Regents 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 Impacts 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 Regents 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.c) 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 Regents 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. 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 Regents 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 Regents 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 Regents 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 Regents 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.

2. Significant and Potentially Significant Impacts that would be Mitigated to "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 "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)

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 design calls for glass and lighting to be used in the building entrance, which would result in additional glare and 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. 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) impacts to a less-than-significant level. 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.

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. Swainson's hawks have not nested on the project

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 of the trees on site that were identified as heritage or specimen trees. 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. 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.

i. 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.

j. 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.

k. 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.

l. 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.

m. 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.

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 (LRDP Impact 4.7-1).**

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, implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-1 (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 (LRDP Impact 4.7-2).**

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 (LRDP Impact 4.7-8).**

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. 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 (LRDP Impact 4.7-9).

The project, as part of growth under the 2003 LRDP, would include use and 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, implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-9 (standard practices for storage and transportation of hazardous materials) will continue to further reduce this less-than-significant impact.

e. Construction activities on campus under the 2003 LRDP would not expose construction workers or campus occupants to contaminated soils or groundwater (LRDP Impact 4.7-12).

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.

f. Demolition or renovation of buildings under the 2003 LRDP would not expose construction workers or campus occupants to contaminated soils or building materials (LRDP Impact 4.7-13).

The project, as part of growth under the 2003 LRDP, would include building renovation which could expose construction workers or campus occupants to contaminated soils or building materials. 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 4.7-13 (preconstruction surveys for potential contamination before any demolition work is performed) will continue to further reduce this less-than-significant impact.

- g. 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 (LRDP Impact 4.8-1).**

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, 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.

- h. 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 (LRDP Impact 4.15-1).**

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.

- i. Implementation of the 2003 LRDP would require the expansion of campus utility water extraction and conveyance systems, which would not cause significant environmental impacts (LRDP Impact 4.15-2).**

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.

- j. 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 (LRDP Impact 4.15-3).**

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.

- k. 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 (LRDP Impact 4.15-4).**

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.

- l. Implementation of the 2003 LRDP would require the expansion of the campus electrical system, which would not result in significant adverse environmental impacts (LRDP Impact 4.15-6).**

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.

- m. Implementation of the 2003 LRDP would require the expansion of campus chilled water and steam generation and conveyance facilities, which would not result in significant environmental impacts (LRDP Impact 4.15-8).**

The project, as part of growth under the 2003 LRDP, would contribute to the potential future

expansion of the campus chilled water and steam generation 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 4.15-8 (conducting utility assessments prior to connecting new projects) will continue to further reduce this less-than-significant impact.

n. Implementation of the 2003 LRDP would require expansion of campus communication facilities, which would not result in significant environmental impacts (LRDP Impact 4.15-9).

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 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, 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 proposed project includes no project-specific mitigation measures and accordingly, no mitigation monitoring program is required for the project. The campus continues to implement the mitigation measures contained in the 2003 LRDP EIR Mitigation Monitoring Program. All relevant 2003 LRDP EIR mitigation measures identified in the Final Tiered Initial Study and Negative Declaration will be monitored through the LRDP EIR Mitigation Monitoring Program adopted by the University in connection with its approval of the 2003 LRDP in order to ensure compliance during Project implementation.

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 of 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 Statement of 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 Statement of Overriding Considerations have been re-evaluated and are found to be current and valid Findings and Statement of Overriding Considerations. Despite the occurrence of significant and unavoidable cumulative adverse environmental effects, 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 proposed project would advance the 2003 LRDP academic space objectives by providing needed academic and administrative space to support the School of Law and bringing the School's facilities closer to the standards of peer institutions and the American Bar Association, the accrediting body for law schools.

G. Summary

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

1. There is no substantial evidence, in light of the whole record before the lead agency, that the project would result in any significant impacts that would not be mitigated to less-than-significant levels by previously adopted 2003 LRDP

mitigation measures currently being implemented, or that are not sufficiently addressed by the 2003 LRDP EIR.

2. The negative declaration reflects the University's independent judgment and analysis.

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 Negative Declaration for the project as described in Section I, above.
- B.** Approves and incorporates into the project all project elements and relevant 2003 LRDP EIR mitigation measures identified in the project's Tiered Initial Study.
- C.** Adopts the Findings in their entirety as set forth in Section II, above.
- D.** Having adopted the Negative Declaration, independently reviewed and analyzed the Negative Declaration and Final Tiered Initial Study and any comments received on these documents, and adopted the Findings, the University hereby approves the design and construction of King Hall Renovation and Expansion.