

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE
DESIGN AND CONSTRUCTION OF THE CALIFORNIA NATIONAL PRIMATE
RESEARCH CENTER RESPIRATORY DISEASES CENTER PROJECT, DAVIS
CAMPUS**

I. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The findings set forth below support the approval of the California National Primate Research Center (CNPRC) Respiratory Diseases Center Project (the “Project” and certification of the Final Focused Tiered Environmental Impact Report for the CNPRC Respiratory Diseases Center Project (“EIR”) (State Clearinghouse No. 2010062091). Pursuant to CEQA Guidelines¹ Section 15074(b), the Chancellor 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”), certifies that she has received the Final EIR, that she has further considered all additional written and oral statements received by The Regents prior to or at its public hearing on the Final EIR, and that she has reviewed and considered the information contained in the Final EIR prior to making the following certifications and the findings in Sections II and the approvals in Section III, below. Pursuant to Public Resources Code Section 21082.1 and CEQA Guidelines Section 15090, the Chancellor hereby certifies that the Final EIR has been completed in compliance with CEQA, and that the Final EIR reflects the independent judgment and analysis of the University. The conclusions presented in these Findings are based upon the Final EIR and other evidence in the administrative record.

II. FINDINGS

The University hereby adopts the following Findings pursuant to CEQA Guidelines Section 15074, in conjunction with the approval of the Project, which is set forth in Section III, below.

A. Background

UC Davis proposes to construct and operate a new primate respiratory disease research laboratory within the existing CNPRC. The CNPRC is located on County Road 98 south of Russell Boulevard in Davis, in the west campus area of UC Davis. The proposed Project would be a one-story building with approximately 20,000 gross square feet (11,700 assignable square feet) that would include laboratory and laboratory support space, offices, animal holding rooms, and mechanical and support areas. The proposed project site is within the developed area of the

¹ The State CEQA Guidelines are found at California Code of Regulations, Title 14, Section 15000 *et seq.*

existing CNPRC facility, north of existing CNPRC buildings on land that is currently used for materials storage.

B. Environmental Review Process

A Tiered Initial Study (“Initial Study”) and Focused Tiered Draft EIR (“Draft EIR”) were prepared for the Project in accordance with the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*, the CEQA Guidelines, and the University of California Procedures for Implementation of CEQA. In accordance with Section 15168 of the CEQA Guidelines, the Initial Study and Draft EIR are 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 tiered documents, the Initial Study and Draft EIR for the Project rely 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 is 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 potential impacts of the Project are analyzed in the Tiered Initial Study and Final EIR for 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 and Final EIR, it is determined that the proposed Project would result in no potentially significant effects on the environment that were not previously addressed in the 2003 LRDP EIR. The University found that the proposed Project may incrementally contribute to, but would not exceed, significant cumulative impacts

previously identified in the 2003 LRDP EIR with regard to the following topic areas: aesthetics, air quality, cultural resources, groundwater, noise, population, public services, recreation, traffic levels, and wastewater treatment.

The Tiered Initial Study was 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 June 30, 2010 and concluding on July 29, 2010. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. No comments were submitted during the 30-day review period, .

The Draft EIR was submitted to the State Clearinghouse in the Governor's Office of Planning and Research and circulated for a 45-day public review period beginning on August 4, 2010 and concluding on September 20, 2010. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. No comments were submitted during the 45-day review period, .

C. Relation of the CNPRC Respiratory Diseases Center to the LRDP EIR

The 2003 LRDP EIR is a Program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines 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 environment effects, both Project and cumulative impacts, associated with that growth. The Project would result in an increase of approximately 25 full-time staff to the campus population. The current campus population is consistent with the campus population that was anticipated in the 2003 LRDP and evaluated in the 2003 LRDP EIR.

D. Environmental Summary

The following sections summarize the environmental evaluation provided in the Final EIR for the proposed Project.

1. Significant and Unavoidable Adverse Impacts Associated with the CNPRC Respiratory Diseases Center

The Initial Study did not identify any significant environmental impacts due to implementation of the Project, but concluded that the Project would contribute to several significant and unavoidable cumulative impacts analyzed in the 2003 LRDP EIR when combined with development associated with full implementation of the 2003 LRDP. The 2003 LRDP EIR identified mitigation measures that would reduce to the extent feasible, but not but not to a less-than-significant level, these significant and unavoidable cumulative impacts. The mitigation

measures identified in the 2003 LRDP EIR were adopted and incorporated into the 2003 LRDP as part of the approval of the 2003 LRDP, are currently being implemented, and are identified and briefly discussed below. For a detailed description of these mitigation measures, please see the text in Section 4 in the Initial Study, which is incorporated as Appendix A of the Draft EIR and is bound together with the Final EIR. The Final EIR did not identify any additional Project-level mitigation measures that would further reduce or avoid these cumulative impacts.

All of the significant and unavoidable cumulative impacts to which the Project contributes, discussed below in Finding II.D.1 (a-m) were adequately analyzed and addressed in the 2003 LRDP EIR and its associated 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 affirms its determination in 2003 LRDP Findings and Statement of Overriding Considerations that the remaining unmitigated significant and unavoidable cumulative impacts associated with growth pursuant to the 2003 LRDP, including the proposed Project, is acceptable and the benefits of the Project outweigh its contribution to the unavoidable significant cumulative impacts for the reasons set forth in Section II.F of these Findings.

a. Campus growth would not conflict with plans establishing measures of effectiveness for the performance of the off-campus circulation system (Project Specific Impact TRA-2).

The 2003 LRDP EIR identified that implementation of the 2003 LRDP would cause unacceptable intersection and freeway operations off-campus (LRDP Impact 4.14-2). Previously adopted LRDP Mitigation 4.14-2(a-c), included in the proposed Project, requires that the campus 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. The 2003 LRDP EIR found that the implementation of LRDP Mitigation 4.14-2 would reduce the transportation impacts, but that the impacts could remain significant and unavoidable because the campus cannot guarantee that other jurisdictions will actually proceed with the off-campus roadway improvements that would minimize the effects of campus growth.

Mitigation measures were included in the LRDP EIR to reduce the magnitude of LRDP project-level impact 4.14-2, but this impact is identified as significant and unavoidable because mitigation falls within other jurisdictions to enforce and monitor and therefore cannot be guaranteed by the University of California.

b. Campus growth would not conflict with an applicable congestion management program established by the county congestion management agency for designated roads or highways (TRA-3).

The 2003 LRDP EIR identified that implementation of the 2003 LRDP would cause unacceptable intersection and freeway operations off-campus (LRDP Impact 4.14-2). The proposed Project is a portion of the growth evaluated in the 2003 LRDP EIR and is consistent with the 2003 LRDP. The 2003 LRDP considered traffic impacts significant if the overall LRDP growth caused conflicts with applicable congestion management programs. Impact 4.14-2 in the 2003 LRDP EIR found that the 2003 LRDP growth could result in significant impacts to facilities covered in the Yolo County and Solano County Congestions Management Plans. Impact 4.14-2 included LRDP Mitigation 4.14-2(a) for UC Davis to reduce trip generation, LRDP Mitigation 4.14-2(b) for UC Davis to monitor traffic operations, and LRDP Mitigation 4.14-2(c) for UC Davis to contribute a fair share percentage to improve roadway operations at affected locations.

Pages 4.14-72 through 4.14-77 of the 2003 LRDP EIR contains a detailed evaluation of the impacts and specific improvements that are part of the LRDP growth and mitigation program. The 2003 LRDP EIR concluded that the feasibility and/or implementation of some LRDP Mitigation Measure 4.14-2(c) cannot be guaranteed by UC Davis because implementation of mitigation measures at these off-campus facilities is under other jurisdictions that may elect to not implement recommended mitigation measures. Mitigation measures were included in the LRDP EIR to reduce the magnitude of LRDP project-level impact 4.14-2, but this impact is identified as significant and unavoidable because mitigation falls within other jurisdictions to enforce and monitor and therefore cannot be guaranteed by the University of California.

c. Regional impacts from cumulative development could affect local scenic vistas across agricultural lands to the Coast Range (LRDP Impacts 4.1-4 and 4.1-5).

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with aesthetic changes to scenic vistas. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would contribute to visual changes. Previously adopted LRDP Mitigation Measures 4.1-4(a) and 4.1-4(b) would reduce impacts on scenic views, and local jurisdictions can and should implement policies that support the long-term establishment and preservation of scenic vistas. The EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this impact, it is considered significant and unavoidable.

d. Regional impacts from cumulative development could create new sources of light and glare to adversely affect daytime or nighttime views (LRDP Impacts 4.1-6).

The 2003 LRDP EIR identified significant and unavoidable cumulative adverse impacts associated with increased light sources that would create new sources of light and glare that could adversely affect daytime and nighttime views. The CNPRC Respiratory Diseases Center,

as part of the overall growth pursuant to the 2003 LRDP, would contribute to increased light and glare. Previously adopted LRDP Mitigation Measures 4.1-3(a-c) (design shall use non-reflective 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 will aid in reducing the potential lighting impact identified in the 2003 LRDP. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this impact, it is considered significant and unavoidable.

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

The 2003 LRDP EIR identified significant and unavoidable adverse impacts associated with increased emissions of criteria pollutants that could contribute to overall operational emissions exceeding the Yolo-Solano Air Quality Management District Thresholds. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would contribute to increased emissions of criteria pollutants. 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), and 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. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this impact, it is considered significant and unavoidable.

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

The 2003 LRDP EIR identified significant and unavoidable adverse impacts associated with a cumulatively considerable increase of non-attainment pollutants. The CNPRC Respiratory Diseases Center, as part of the overall campus growth pursuant to the 2003 LRDP, would contribute to emissions 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.a) would continue to be implemented and would aid in reducing emissions. The

Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this cumulative impact, it is considered significant and unavoidable.

g. Potential substantial adverse changes to historical or archaeological resources could result from the Project and from cumulative growth (LRDP Impact 4.5-3 and 4.5-5).

The 2003 LRDP EIR identified significant and unavoidable adverse impacts associated with a cumulatively considerable increase of non-attainment pollutants. The CNPRC Respiratory Diseases Center, as part of the overall campus growth pursuant to the 2003 LRDP, could contribute to potential changes to archaeological resources. 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 reinternment procedures) would continue to be implemented and would aid in reducing disturbance to archaeological resources. While the campus would prefer to preserve significant resources where possible, there may be cases in which avoidance or preservation of such a resource is not feasible. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the Project's contribution to this potential impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this cumulative impact, it is considered significant and unavoidable.

h. Groundwater impacts associated with increase in withdrawals from the deep aquifers (LRDP Impacts 4.8-5 and 4.8-13)

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with withdrawals from the deep aquifer. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would facilitate campus growth and development that will result in an increased demand for water from the deep aquifer. Previously adopted LRDP Mitigation Measures 4.8-5(b, d) would require continued water conservation efforts, efforts to determine the ability of the aquifer 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 the aquifer, 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 the deep aquifer, contributing to a net deficit in the overall groundwater budget. Previously adopted LRDP Mitigation Measures 4.8-13 (a, b) address cumulative withdrawals associated with both campus and City of Davis water. However, the combined effects are not well understood, and could result in a long term reduction in groundwater levels. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the Project's contribution to this impact. While

the 2003 LRDP mitigation measures would reduce the magnitude of this project level and cumulative impact, it is considered significant and unavoidable.

i. Groundwater impacts associated with increase in withdrawals from the shallow/intermediate aquifers (LRDP Impacts 4.8-6 and 4.8-14)

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with withdrawals from the shallow/intermediate aquifers. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would facilitate campus growth and development that will result in an increased demand for water from the shallow/intermediate aquifers. Previously adopted LRDP Mitigation Measures 4.8-6 (b, d) would require continued water conservation, efforts to determine the ability of the aquifer to provide for the campus' long-term water needs, efforts to minimize withdrawals by UC Davis and the City of Davis from the same shallow/intermediate aquifers, monitoring of the 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 the shallow/intermediate aquifers aquifer, contributing to a net deficit in the overall groundwater budget. Previously adopted LRDP Mitigation Measures 4.8-14 (a, b) address cumulative withdrawals associated with both campus and City of Davis water use. However, the combined effects are not well understood, and could result in a long term reduction in groundwater levels. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the Project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this project level and cumulative impact, it is considered significant and unavoidable.

j. Increased impervious surfaces could result in increased runoff, polluted runoff, and affect receiving water quality (LRDP Impact 4.8-10)

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with increased storm water runoff. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would contribute to increased storm water runoff. 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 SWPPs for specified industrial and construction activities. However, implementation of LRDP Mitigation Measures 4.8-10 (b) and (c) cannot be guaranteed by the University of California because they fall within other jurisdictions to enforce and monitor. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the Project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this project level and cumulative impact, it is considered significant and unavoidable.

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

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with increased traffic noise. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would contribute to increased noise levels. Previously adopted LRDP Mitigation Measures 4.10-2 (a, b) would address this impact by requiring 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 less-than-significant levels. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this Project level and cumulative impact, it is considered significant and unavoidable.

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

The 2003 LRDP EIR identified significant and unavoidable adverse impacts associated with increased campus population. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would contribute to increased population growth. The 2003 LRDP EIR did not identify any mitigation measures to reduce the significance of impacts associated with population and housing. The Tiered Initial Study did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the Project's contribution to this impact. Therefore, the impact is considered significant and unavoidable.

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

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with public service demands. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would contribute to cumulative demand for public services by contributing to the regional demand for fire and police facilities 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 environmental effects of providing those services. However, impacts associated with loss of prime farmland and habitat would be irreversible. The Final EIR did not identify any additional project-specific mitigation measures that would avoid

or substantially lessen the Project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this project level and cumulative impact, it is considered significant and unavoidable.

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

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with traffic congestion. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would facilitate campus growth and development that would contribute to increased traffic levels. 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. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the Project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this cumulative impact, 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.

o. Cumulative demands for wastewater treatment facilities in the region, construction of which could result in significant environmental impacts (LRDP Impact 4-15-10)

The 2003 LRDP EIR identified significant and unavoidable adverse cumulative impacts associated with increased demand at wastewater treatment facilities. The CNPRC Respiratory Diseases Center, as part of the overall growth pursuant to the 2003 LRDP, would facilitate campus growth and development that will result in an increased cumulative demand for wastewater treatment facilities. 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. The Final EIR did not identify any additional project-specific mitigation measures that would avoid or substantially lessen the Project's contribution to this impact. While the 2003 LRDP mitigation measures would reduce the magnitude of this cumulative impact, it is considered significant and unavoidable.

2. **Significant and Potentially Significant Impacts that would be Mitigated to “Less-than-Significant” Levels and Related Mitigation Measures**

The EIR for the Project identified the following significant and potentially significant impacts associated with the CNPRC Respiratory Diseases Center that would be reduced to "less-than-significant" levels by the continued implementation of previously adopted 2003 LRDP mitigation measures and project level mitigation, described below. The impacts resulting from the projects would be no greater than the level of impacts described in the 2003 LRDP EIR, and were previously included within the analysis of the overall development of the 2003 LRDP analyzed in the 2003 LRDP EIR. For a detailed description of these mitigation measures, please see the text in the Final EIR for the CNPRC Respiratory Diseases Center.

a. Campus development could degrade the valued elements of the visual landscape identified in the 2003 LRDP (LRDP Impact 4.1-2).

The CNPRC Respiratory Diseases Center would result in new core campus physical changes that could affect the valued elements of the visual landscape. As analyzed in the EIR, the CNPRC Respiratory Diseases Center incorporates previously adopted LRDP Mitigation Measures 4.1-2 (a) (requiring new facilities to be compatible with the valued visual elements on the campus) and 4.1-2 (b) (requiring the Campus Design Review Committee to determine that Project designs are consistent with the valued elements of the visual landscape). Implementation of LRDP Mitigation Measures 4.1-2 (a,b) will ensure that the potential impacts to the visual landscape remain less-than-significant.

b. Campus development could result in substantial light or glare in the area (LRDP Impact 4.1-3).

The CNPRC Respiratory Diseases Center would result in new core campus development that could contribute to excess light and glare impacts. As analyzed in the EIR, the CNPRC Respiratory Diseases Center incorporates previously adopted LRDP Mitigation Measure 4.1-2 (a) (requiring new facilities to be compatible with the valued visual elements on the campus) and 4.1-2 (b) (requiring the Campus Design Review Committee to determine that Project designs are consistent with the valued elements of the visual landscape). Implementation of LRDP Mitigation Measures 4.1-2 (a,b) will ensure that the potential impacts to the visual landscape remain less-than-significant.

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

The CNPRC Respiratory Diseases Center would facilitate campus growth and development that will contribute to a regional increase in toxic air contaminants (“TAC”). Growth from the 2003 LRDP, in combination with expected regional growth, could result in a cumulatively considerable increase of TAC, which could expose sensitive receptors to increased pollutant concentrations. As analyzed in the EIR, the CNPRC Respiratory Diseases Center incorporates 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) to aid in 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. As a result, the CNPRC Respiratory Diseases Center contribution to this impact will be less-than-significant.

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

The proposed site of the CNPRC Respiratory Diseases Center does not have any historic buildings and the site was previously disturbed and used as an equipment storage area. The CNPRC Respiratory Diseases Center would require excavation and grading and, although unlikely, could result in damage, destruction, or substantial adverse change in the significance of archaeological resources. As analyzed in the EIR, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.5-1 (a, b) and 4.5-2, which require the campus evaluate Project for archaeological resources and protect discovered resources. These mitigation measures ensure adequate protection of archaeological resources. Implementation of these mitigation measures will reduce the CNPRC Respiratory Diseases Center contribution to a less-than-significant level.

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

The CNPRC Respiratory Diseases Center would require excavation and grading and, although unlikely, could result in disturbance of human remains undiscovered during survey testing. Campus development allowed under the 2003 LRDP facilitated by the Project could result in disturbance of human remains, including those interred outside of formal cemeteries. As analyzed in the Final EIR, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.5-4 (a, b) requiring 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. As a result, the CNPRC Respiratory Diseases Center contribution to this impact will be reduced to a less-than-significant level.

f. Campus development under the 2003 LRDP could increase use of hazardous materials on campus (LRDP Impact 4.7-10).

The CNPRC Respiratory Diseases Center could introduce new hazardous materials use that could create hazards to the public or the environment under routine and upset conditions. Previously adopted 2003 LRDP Mitigation Measure 4.7-10 requires outside entities operating on-campus to comply with all applicable hazardous materials regulations and requirements. Implementation of the mitigation measure will ensure that the CNPRC Respiratory Diseases Center contribution to this impact will be less-than-significant.

g. Campus development under the 2003 LRDP could include development within 2 miles of public use airports (LRDP Impact 4.7-15).

Campus development allowed under the 2003 LRDP within two miles of the campus public use airport, such as the CNPRC Respiratory Diseases Center, could result in potential safety hazards. Previously adopted 2003 LRDP Mitigation Measure 4.7-15 will require lighting for the CNPRC Respiratory Diseases Center to be tested by night flights and adjusted as necessary to eliminate glare that could pose a hazard for aircraft. Implementation of the mitigation measure will reduce the CNPRC Respiratory Diseases Center contribution to this impact to a less-than-significant impact.

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

The CNPRC Respiratory Diseases Center could introduce activity that could 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. Implementation of the mitigation measure will ensure that the CNPRC Respiratory Diseases Center contribution to this impact will be less-than-significant.

i. Campus growth under the 2003 LRDP would increase impervious surfaces and could alter drainage patterns, increasing runoff and loads of pollutants in stormwater, which could affect water quality (LRDP Impacts 4.8-2).

The CNPRC Respiratory Diseases Center would result in a slight increase to impervious surfaces. Campus development allowed under the 2003 LRDP would increase stormwater runoff and pollution. As analyzed in the EIR, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.8-2, which requires the campus to comply with stormwater management plan measures to minimize additional pollutants. This mitigation measure will reduce the CNPRC Respiratory Diseases Center contribution 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).**

The CNPRC Respiratory Diseases Center will slightly increase impervious surfaces. 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. As analyzed in the EIR, the Project incorporates previously adopted 2003 LRDP Mitigation Measures 4.8-3 (a, b) require the campus to perform storm drainage studies for each new development and design and implement any needed improvements. Implementation of the mitigation measure will reduce the CNPRC Respiratory Diseases Center contribution 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).**

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 Measures 4.8-4 (a, b) require 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 will reduce the CNPRC Respiratory Diseases Center contribution 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).**

Noise from construction of the proposed CNPRC Respiratory Diseases Center would be audible at adjacent buildings and would temporarily elevate the local ambient noise level. Campus development allowed under the 2003 LRDP would be facilitated by the Project and could increase the potential for noise impacts near construction sites. As analyzed in the EIR the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.10-1, which requires the campus to enact a construction noise mitigation program to minimize the effects of construction noise. Implementation of the mitigation measure will reduce the contribution from the CNPRC Respiratory Diseases Center to this impact to a less-than-significant level.

m. Implementation of the 2003 LRDP would result in unacceptable intersection operations at on-campus intersections (LRDP Impact 4.14-1).

The Project would facilitate Campus development allowed under the 2003 LRDP, which 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 these mitigation measures will reduce the CNPRC Respiratory Diseases Center contribution to this impact to a less-than-significant level.

3. Less-than-Significant Impacts Associated with the Project.

The EIR for the Project identified the following less-than-significant impacts associated with the proposed Project. Although not required, 2003 LRDP EIR Mitigation Measures have been incorporated into the Project to further reduce these less-than-significant impacts. The mitigation measures identified below are presented in summary form. For a detailed description of these measures, please see Section 4 of the Draft EIR and Section 7 of the Initial Study.

a. The proposed Project would not conflict with an applicable plan, policy or regulation for the purpose of reducing the emissions of greenhouse gases (Project Impact GHG-1).

The CNPRC Respiratory Diseases Center would result in the release of greenhouse gases that could contribute to global warming. As analyzed in the Final EIR, the potential impact of 755 MTCO₂e per year of greenhouse gas emissions from the Project would be less-than-significant. To further reduce this less-than-significant impact, the University hereby adopts and incorporates into the Project Mitigation Measure GHG-1 to fund energy-efficiency improvements in existing buildings on campus to achieve a minimum GHG emissions reduction of 755 MTCO₂e per year within two years of occupancy of the Respiratory Diseases Center. With implementation of

Project-Specific Mitigation Measure GHG-1, the Project will not result in increased greenhouse gas emissions.

b. Implementation of the proposed Project would increase the routine transport, use, storage, and disposal of hazardous chemicals, but the increases would be minor and would be within the levels analyzed in the 2003 LRDP EIR (HAZ-1).

The CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would include routine use, storage, and disposal of hazardous chemical such as building construction and cleaning materials, and research chemicals. This impact was determined in the EIR to be less-than-significant because of the low hazard risk to the public and to the environment. The campus will continue to implement relevant safety programs and because the proposed Project is an element of the growth under the 2003 LRDP it includes LRDP Mitigation Measures 4.7-1, 4.7-2(a-b), and 4.7-8. Mitigation Measure 4.7-1 requires the campus to continue to implement the same (or equivalent) safety plans, programs, practices, and procedures related to the use, storage, and disposal of hazardous chemical materials during the 2003 LRDP planning horizon. These programs may be replaced by other programs that incorporate similar health and safety measures. Mitigation Measure 4.7-2 (a) requires that the campus implement LRDP Mitigation Measure 4.7-1. Mitigation Measure 4.7-2(b) requires that the campus continue to implement the same (or equivalent) hazardous waste management programs during the 2003 LRDP planning horizon. These programs may be subject to modification as more stringent standards are developed or if the programs become obsolete through replacement by other programs that incorporate similar health and safety protection measures. Mitigation Measure 4.7-8 requires the campus to properly label all hazardous materials for transport on public roads. Therefore, the Project will result in a less than significant impact.

c. Implementation of the proposed Project would increase the routine transport, use, storage, and disposal of biohazardous materials, but the increases would be minor and would be within the levels analyzed in the 2003 LRDP EIR (HAZ-2).

The CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would include use, transport, storage, and disposal of biohazardous materials. This impact was determined in the EIR to be less-than-significant because of the low hazard risk to the public and to the environment,. The impact also is less-than-significant, because the proposed Project is an element of the growth under the 2003 LRDP and includes LRDP Mitigation Measures 4.7-5 (a-b) and 4.7-6 (a-b). Mitigation Measures 4.7-5(a) and 4.7-6(a) require that the campus implement LRDP Mitigation 4.7-1, which is described in Part D.3.b, above. Mitigation Measures 4.7-5(b) and 4.7-6 (B) require that the campus continue to implement the same or equivalent Biosafety Program during the 2003 LRDP planning horizon. This program may be subject to modification as more stringent standards are developed or if the program becomes obsolete through replacement by other programs that incorporate similar health and safety protection measures.

Therefore, the Project will have a less-than-significant impact related to biohazardous materials.

d. Implementation of the proposed Project would increase the routine use of laboratory animals, but the increase would be minor and would be within the levels analyzed in the 2003 LRDP EIR (HAZ-3).

The CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would include use, transport, storage, and disposal of biohazardous materials. This impact was determined in the EIR to be less-than-significant because of the low hazard risk to the public and to the environment. The impact also is less-than-significant, because the proposed Project is an element of the growth under the 2003 LRDP, it includes LRDP Mitigation Measures 4.7-7 (a-c). Mitigation Measure 4.7-7(a) requires the campus to implement LRDP Mitigation 4.7-1, which is described above in Part D.3.b. LRDP Mitigation 4.7-7(b) requires the campus to implement LRDP Mitigation 4.7-5(b), which is also described above in Part D.3.c. LRDP Mitigation 4.7-7(c) requires the campus to continue to implement the same or equivalent programs related to laboratory animal use during the 2003 LRDP planning horizon, including, but not necessarily limited to, inspections of animal facilities and study areas by the Campus Veterinarian, requiring investigators to prepare Animal Use and Care Protocols, review of Animal Use and Care Protocols by the AUCAAC and EH&S, employee training in animal handling, and the campus animal health program. These programs may be subject to modification as more stringent standards are developed or if the programs become obsolete through replacement by other programs that incorporate similar health and safety protection measures. Therefore, the impact of increased use of laboratory animals will be less than significant.

e. The proposed Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (HAZ-4).

The CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would include potential exposure of people and the environment to a Project area. This impact was determined in the Final EIR to be less-than-significant because the project site is not included in lists of sites with hazardous materials contamination. The impact also is less-than-significant, because the proposed Project is an element of the growth under the 2003 LRDP and includes LRDP Mitigation Measure 4.7-12, which requires that due diligence surveys be performed. Therefore, the Project will have a less-than-significant impact with respect to exposure to existing hazardous material contamination.

f. 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 CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would contribute to sediment in stormwater runoff. This impact was determined in the the Initial Study 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. Although not required, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.8-1 (implementation of erosion control for construction projects) that will further reduce this less-than-significant impact.

g. Implementation of the 2003 LRDP would require the expansion of campus domestic/fire water and utility water extraction and conveyance systems, which would not cause significant environmental impacts (LRDP Impacts 4.15-1 and 4.15-2).

The CNPRC Respiratory Diseases Center, as a component growth under the 2003 LRDP, would contribute to the potential future expansion of the campus domestic and utility water extraction and conveyance systems. This impact was determined in the Initial Study to be less-than-significant because of the multiple options available for completing system improvements. Although not required, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.15-1 (a and b) and 4.15-2 (a and b) (conducting utility assessments prior to connecting new projects and implementing conservation strategies) that will 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 (LRDP Impact 4.15-3).

The CNPRC Respiratory Diseases Center, as a component 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 Initial Studay to be less-than-significant. Although not required, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.15-3 (conducting utility assessments prior to connecting new projects) that will further reduce this less-than-significant impact.

- i. 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 CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus electrical system. This impact was determined in the Initial Study to be less-than-significant because of the multiple options available for completing system improvements. Although not required, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.15-6 (a and b) (conducting utility assessments prior to connecting new projects and implementing conservation measures) that will further reduce this less-than-significant impact.

- j. Implementation of the 2003 LRDP would require the expansion of the natural gas system, which would not result in significant adverse environmental impacts (LRDP Impact 4.15-7).**

The CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would contribute to the potential future expansion of the natural gas system. This impact was determined in the Initial Study to be less-than-significant. Although not required, the Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.15-7 (a) (conducting utility assessments prior to connecting new projects) that will further reduce this less-than-significant impact.

- k. 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 CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would contribute to the potential future expansion of campus chilled water and steam generation. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. Although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-8 (conducting utility assessments prior to connecting new projects) will further reduce this less-than-significant impact.

- l. 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 CNPRC Respiratory Diseases Center, as a component of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus communication facilities. This impact was determined in the Initial Study to be less-than-significant. Although not required, the

Project incorporates previously adopted 2003 LRDP Mitigation Measure 4.15-9 (conducting utility assessments prior to connecting new projects) that will 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 Final EIR for the CNPRC Respiratory Diseases Center; the 2003 LRDP; the 2003 LRDP EIR; and 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. As described above in Section II.E, the Project incorporates all applicable mitigation measures contained in the 2003 LRDP EIR Mitigation Monitoring Program. All relevant 2003 LRDP EIR mitigation measures identified in the Final EIR 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.

The proposed Project includes Project-Specific Mitigation Measure GHG-1 and Section 1.6 of the Final EIR contains a Mitigation Monitoring and Reporting Program to track and document implementation of impact GHG-1.

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 Administrative and Resource Management, 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 Administrative and Resource Management. The custodian for these documents is the Office of Administrative and Resource Management.

4. Alternatives

The Final EIR evaluated a reasonable range of alternatives to the CNPRC Respiratory Diseases Center Project in Section 6 of the Draft EIR. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis also included an analysis of a No Project Alternative and identified the environmentally superior alternative. The Draft EIR examined each alternative's feasibility and ability to meet most of the project objectives. Those that clearly were found to be infeasible were rejected without further environmental review. Alternatives that might have been feasible and that would attain most of the project objectives were carried forward and analyzed with regard to whether they would reduce or avoid significant impacts of the Project. The alternatives considered but rejected included: Computer Based Research and Construction at Non-UC Davis locations. . The alternatives considered and evaluated included: No Project – No Build; Construction at Alternative UC Davis Locations, and Construction of Reduced Facilities. In connection with the certification of the Final EIR for the Project, the University certified that it independently reviewed and considered the information on alternatives provided in the Draft EIR and the record of proceedings. The University finds that no new alternatives have been identified that are considerably different from those analyzed in the Final EIR for the Project and the feasibility of the alternatives analyzed has not changed since the Draft EIR. Brief summaries of the evaluated alternatives are given below:

a. No Project – No Build

The Project would not be constructed. Where feasible, existing laboratories would be used to conduct new or expanded research projects. The campus would make no modifications to the existing facilities.

b. Construction at Alternative UC Davis Locations

This alternative would construct the same Respiratory Diseases Center facility as the proposed Project. Rather than constructing this facility at the CNPRC, the buildings would be located elsewhere at UC Davis and could be placed within the Central Campus, South Campus, or West Campus areas. For this alternative, it is assumed that within the Central Campus, South Campus, or West Campus at UC Davis, adequate building sites could be located that would not need utility upgrades in order to adequately serve the proposed buildings.

c. Construction of Reduced Facilities

This alternative would involve construction of a smaller building to house new, expanded and on-going research. The key elements of this alternative would be to construct a smaller building of only 12,000 gsf instead of the proposed 20,000 gsf. This alternative would have similar environmental effects to the proposed Project but at a lower intensity because of the reduced construction impacts, a smaller increase in employee population, and a reduction in operational impacts. The overall reduction in operational impacts would extend to the air quality,

greenhouse gas emissions and hazards materials impacts evaluated in this EIR. Overall, the Construction of Reduced Facilities alternative reduces the less than significant environmental effects of the Project. The alternative would require the same hazardous materials protocols as the proposed Project and would not create any new environmental effects.

d. Environmentally Superior Alternative

CEQA requires identification of an environmentally superior alternative; that is, the alternative that has the least significant impacts on the environment. For the proposed Project, the No Project-No Build Alternative would avoid all contributions to environmental impacts that were identified in the Tiered Initial Study and the Focused Tiered Draft EIR; however, it does not allow for the attainment of basic Project objectives.

CEQA also requires that the build or action alternative with the fewest significant impacts be identified in the event that the No Project Alternative is the environmentally superior alternative. For this, the Construction of Reduced Facilities is considered the environmentally superior alternative. As stated above, this alternative would have similar environmental effects to the proposed Project but at a lower intensity because less construction would take place due to the reduction in the proposed building square footage from 20,000 gsf to 12,000 gsf. The alternative would result in a reduced amount of the desired research, a smaller increase to the employee population, and a reduction in operational impacts. Overall, the Construction of Reduced Facilities would result in decreased impacts compared to the proposed Project and compared to the other action alternatives but would not achieve the program objectives of providing the necessary space to conduct the proposed research. Not conducting the proposed research would be incongruent with the research objectives of the University and would restrict the ability of the University to investigate critical respiratory disease health and treatment questions.

4. Additional Considerations – Statement of Overriding Considerations

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. 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 previously addressed all of the significant and unavoidable impacts associated with implementation of the LRDP and the EIR for the Project concluded that the impacts associated the Project are within the scope of impacts analyzed in the 2003 LRDP EIR. The University has balanced the benefits of the LRDP implementation against the significant and unavoidable adverse environmental effects, discussed in the Findings and Statement of Overriding Considerations adopted by The Regents in connection with its approval of the 2003 LRDP, in determining that specific economic, legal, social, technological, and other benefits of the LRDP, including specific Project elements such as

the provision of increased research space in close proximity to the existing research program and the timely completion of project construction, outweigh these adverse environmental effects, and finds those Findings and Statement of Overriding Considerations are equally relevant to, and are reaffirmed as a part of, this Project.

F. Summary

Based on the foregoing Findings and the information contained in the record, it is hereby determined that:

- a. All significant impacts on the environment due to the CNPRC Respiratory Diseases Center Project have been eliminated or substantially lessened where feasible.
- b. Any significant impacts to which the CNPRC Respiratory Diseases Center Project contributes and that are found to be unavoidable were fully analyzed and adequately addressed in the 2003 LRDP EIR, as documented in the EIR for the CNPRC Respiratory Diseases Center, and are acceptable due to the factors described in the Findings and Statement of Overriding Considerations adopted in connection with The Regents' approval of the 2003 LRDP as described in Section II.E, above, which are incorporated by reference herein and hereby affirmed.
- c. The environmentally superior alternative would lessen, though not entirely avoid, the significant and unavoidable impacts of the proposed Project. The environmentally superior alternative, as well as the other alternatives evaluated in the Draft EIR, are rejected as infeasible because they fail to accomplish the basic Project objectives.
- d. The CNPRC Respiratory Diseases Center Project will not result in any new significant environmental effects or substantially increase the severity of the significant environmental effects previously identified in the 2003 LRDP EIR.
- e. This determination reflects the University's independent judgment and analysis.

III. APPROVAL

The University hereby takes the following actions:

- A.** Certifies the Final EIR for the CNPRC Respiratory Diseases Center 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 CNPRC Respiratory Diseases Center Final EIR.
- C.** Adopts the Mitigation Monitoring and Reporting Program for the Project accompanying the Final EIR and discussed in Section E.2 of the Findings, above.
- D.** Adopts the Findings in their entirety as set forth in Section II, above.
- E.** Having certified the Final EIR for the CNPRC Respiratory Diseases Center Project, independently reviewed and analyzed the Final EIR, and adopted the Findings, the University hereby approves the design and construction of the CNPRC Respiratory Diseases Center Project.