

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS  
IN CONNECTION WITH THE APPROVAL OF THE DESIGN OF THE  
WEST ENTRY PARKING STRUCTURE AND OFFICE BUILDING PROJECT, DAVIS  
CAMPUS**

**I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION**

Pursuant to Title 14, California Code of Regulations, Section 15074, the Board of Regents (The Regents) of the University of California (The University), as a lead agency, hereby finds that the Mitigated Negative Declaration and the Tiered Initial Study prepared for the proposed West Entry Parking Structure and Office Building Project (the project) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The Regents further finds that it received the Mitigated Negative Declaration and Tiered Initial Study and it reviewed and considered the information contained in these items prior to approving the design. The Regents hereby finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the University of California, and The Regents adopts the Mitigated Negative Declaration.

**II. FINDINGS**

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

**A. Background**

The West Entry Parking Structure (WEPS) and Office Building Project includes the construction and operation of a parking structure, roadway improvements to support the parking structure, and an office building. The project would be located in the central campus at UC Davis north of Hutchison Drive between La Rue Road and Bioletti Way. The parking structure would be six stories tall with capacity for 1,476 automobiles and would occupy a site of approximately three acres. The roadway improvements would occur along Hutchison Drive from the La Rue Road intersection to Bioletti Way and along Dairy Road from Hutchison Drive to the South La Rue Road intersection. The office building would be located north of the proposed WEPS and west of the existing police/fire buildings. The new building would be two stories tall and would provide approximately 20,800 gross square feet (13,500 assignable square feet).

The proposed projects are designed to help accommodate recent growth at the UC Davis campus by providing necessary facilities for students, staff, and faculty. The parking structure would provide general use parking close to the academic core of the campus and would be served by the proposed roadway improvements. The office building would provide additional office space for campus transportation and parking services staff and for the campus police department.

**B. Environmental Review Process**

A Tiered Initial Study was prepared for the project in accordance with CEQA and the University of California Procedures for Implementation of CEQA (State Clearinghouse No. 2002102083). The Initial Study for the project, in accordance with Section 15168 of the CEQA Guidelines, is tiered from the campus 1994 Long Range Development Plan (1994 LRDP) Environmental Impact Report (EIR) (State Clearinghouse No. 94022005), as updated and revised by the 1997 Wastewater Treatment Plant (WWTP) Replacement Project EIR (State Clearinghouse Nos. 95123027 and 96072024), 1997-98 Major Capital Improvement Projects Supplemental Environmental Impact Report (SEIR) (State Clearinghouse No. 97122016), Center for the Arts Performance Hall and South Entry Roadway and Parking Improvements Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 98092016), USDA Western Human Nutrition Research Center Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 99092060), Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR (State Clearinghouse No. 2000022057), Segundo Housing Improvement Projects Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 2001092063), and the Conference Center, Hotel, and Graduate School of Management Building Focused Tiered EIR (State Clearinghouse No. 200182067). Hereafter, references to the 1994 LRDP EIR include the 1994 LRDP EIR as updated and revised by the documents listed above.

The project is part of the physical development proposed in the 1994 LRDP, therefore, the environmental analysis for the project is presented and analyzed within the context of the 1994 LRDP and incorporates by reference applicable portions of the 1994 LRDP EIR. The 1994 LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzes the overall effects of campus growth and facility developments through 2005-06 and identifies measures to mitigate the significant adverse project impacts and cumulative impacts associated with that growth.

As a tiered document, the Initial Study for the project relies on the 1994 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 1994 LRDP EIR for which there are no significant new information or changes in circumstances that would require further analysis; and (4) cumulative impacts. The purpose of the Tiered Initial Study was to evaluate the potential environmental impacts of the project with respect to the existing 1994 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 1994 LRDP EIR with regard to the following environmental topic areas: (1) land use and planning, (2) agricultural resources, (3) population and housing, (4) transportation/circulation, (5) noise, (6) air quality, (7) hazards and hazardous materials, (8) biological resources, (9) hydrology and water quality, (10) geology and soils, (11) mineral resources, (12) cultural resources, (13) aesthetics, (14) public services, (15) recreation, and (16) utilities and service systems.

Based on the analysis contained in the Tiered Initial Study, it is determined that project specific potentially significant impacts could result in the resource areas of: (1) land use and planning and (2) transportation/circulation. Further analysis in the Tiered Initial Study identified adequate mitigation measures to reduce the potentially significant effects to a less-than-significant level. The mitigation measures identified in the Tiered Initial Study have been incorporated into the project design and financing and will be implemented in accordance with the Mitigation Monitoring Program in the Tiered Initial Study.

The land use and planning impact results from the 1994 LRDP land use designation of Academic and Administrative for the project site rather than a Parking land use designation. The identified impact would be mitigated by amending the 1994 LRDP land use plan to a Parking designation. The proposed amendment is included as part of these findings.

The identified transportation/circulation impacts are a result of increased project traffic on the roadways near the proposed parking structure. The impacts would be mitigated to a less-than-significant level through the adoption of project specific mitigation measures to intersection and roadway improvements. Details of the necessary road improvements are included in the Tiered Initial Study and adoption of the mitigation measures are a component of these findings.

Based on the Tiered Initial Study, it is determined that for all other resource areas, the project would not result in any significant impacts that would not be mitigated to less-than-significant levels by previously adopted 1994 LRDP mitigation measures incorporated into the project or are not sufficiently addressed by the 1994 LRDP EIR. The Tiered Initial Study identifies that the project may incrementally contribute to, but would not exceed, significant environmental impacts previously identified in the 1994 LRDP EIR. Based on this analysis, the campus prepared a Mitigated Negative Declaration.

The project's Draft 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 October 18, 2002. During that time, the document was reviewed by various state and local agencies, as well as by interested individuals and organizations. At the request of UC Davis faculty members interested in campus parking issues, the public comment period was extended from November 18, 2002 to January 15, 2003.

At the close of the comment period, the Governor's Office of Planning and Research provided communication indicating that one comment letter was received from a State agency. The State agency letter was from the California Department of Transportation and provided input on future planning and coordination needs for the adjacent State Highway 113. In addition, approximately 28 comment letters were received from faculty and staff members. Comment letters from faculty and staff members were focused on the costs and financing of the project. The faculty and staff letters also included a few environmental issues. The letters are summarized in the Tiered Initial Study. Upon review of the comment letters it was determined that none of the issues would result in potentially significant

environmental impacts that had not been previously identified and adequately addressed in the Tiered Initial Study.

### **C. Significant and Unavoidable Adverse Impacts and Related Mitigation Measures**

The Initial Study recognized significant and unavoidable adverse impacts associated with the approval of the project and identified related mitigation measures. All of these significant and unavoidable impacts that are discussed below in this Part II.C were adequately analyzed in the 1994 LRDP EIR and were fully addressed by the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR, as subsequently amended and revised. Most of the significant and unavoidable adverse impacts identified in the Initial Study relate to cumulative development. The Initial Study evaluated the impact of cumulative development, defined by the CEQA Guidelines as "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects" (California Code of Regulations, Title 14, Section 15355(b)). The cumulative context for the cumulative impact analysis in the Initial Study included the proposed project combined with growth allowed under the 1994 LRDP and growth anticipated in the region. In accordance with the CEQA Guidelines, the Initial Study used a "plan" approach as a framework for its cumulative impact analysis that is based upon a "summary of projections contained in an adopted general plan or related planning document which is designed to evaluate regional or area-wide conditions" (California Code of Regulations, Title 14, Section 15130(b)). The project implements a portion of the 1994 LRDP, the planning document that identifies general types of campus development to support campus growth anticipated through 2005-06. The cumulative impact analysis in the Initial Study, therefore, relies primarily on the 1994 LRDP EIR, which included analysis of campus development projected in the 1994 LRDP and related cumulative development in the campus vicinity. All significant and unavoidable impacts that were analyzed in the 1994 LRDP EIR, including the impacts discussed below in this Part II.C, were fully addressed by the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR, as subsequently amended and revised.

Because student enrollment through 2014-15 is anticipated to exceed projections in the 1994 LRDP for 2005-06, the campus has closely examined each of the cumulative impacts identified in the 1994 LRDP EIR that could continue through 2014-15 (this Cumulative Impacts Analysis is included as Appendix C to the project's Initial Study). To the extent that growth and physical development anticipated for 2014-15 were not considered in the 1994 LRDP EIR, additional environmental effects that were not previously identified may occur. However, it would be very speculative to determine these effects now because most components of the next LRDP are not currently known. A new LRDP EIR will fully evaluate the potential environmental impacts associated with the next LRDP.

Significant and unavoidable cumulative impacts resulting from the proposed project in combination with growth allowed under the 1994 LRDP and growth anticipated in the region are discussed below. The Regents finds these significant and unavoidable adverse impacts are acceptable because the benefits of the project outweigh the unavoidable environmental impacts for the reasons set forth in Section II.H of these Findings. Associated 1994 LRDP EIR and project-specific mitigation measures are identified and briefly discussed below. For a detailed description of these mitigation measures, please see the text in the Initial Study.

### **1. Cumulative Impacts on the Transportation Network (Initial Study Items 4a and b)**

The project, in conjunction with growth allowed under the 1994 LRDP and development in the region, would lead to significantly increased traffic volumes, which would result in insufficient levels of service at major intersections. The project incrementally contributes to, but does not exceed, cumulative impacts associated with traffic volumes previously analyzed in the 1994 LRDP EIR, as updated and revised. 1994 LRDP EIR Mitigation Measures 4.3-1(a) (requiring continued campus support for Transportation Systems Management strategies to reduce campus motorized vehicle trips and encourage use of alternative modes of transportation) and 4.3-1(b) as revised (requiring traffic monitoring at key intersections on a regular basis and proposed physical changes to roadways and intersections) are incorporated into the proposed project and would reduce the magnitude of level of service exceedances. Because the implementation of certain recommended physical improvements in 1994 LRDP EIR Mitigation Measure 4.3-1(b) are outside The Universities jurisdiction to enforce, the impact would remain significant and unavoidable at three intersections (Richards Boulevard and I-80 Eastbound ramps, Richards Boulevard and Olive Drive, and Richards Boulevard and First Street). These impacts have been adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. Campus growth through 2014-15 would likely cause elements of the roadway system that were not previously addressed in the 1994 LRDP EIR to operate at levels that would exceed the campus' standards of significance. Transportation and circulation mitigation measures identified in the 1994 LRDP EIR would be updated in the next LRDP EIR to mitigate these new exceedances. The campus will reexamine potential cumulative transportation and circulation impacts and any new mitigation measures that may be required during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

### **2. Cumulative Impact on the Noise Environment (Initial Study Items 5a, c, and d)**

The project, in conjunction with growth allowed under the 1994 LRDP and other development in the region, would create cumulative noise impacts due to increased traffic and other noise sources. The project would incrementally contribute to, but would not exceed, cumulative impacts associated with noise generation previously analyzed in the 1994 LRDP EIR. Implementation

of 1994 LRDP EIR Mitigation Measures 4.4-1, 4.4-3, and 4.4-4 (requiring noise reduction measures in all construction contracts, evaluation of noise contribution of proposed projects, and implementation of further noise reduction strategies if necessary), incorporated as part of the project, would reduce the campus' contribution to this impact. However, 1994 LRDP EIR Mitigation Measure 4.4-4 (c) (requesting the City of Davis, Yolo County, and Solano County to implement land use noise standards as part of the Noise Element of their General Plans) is within the responsibility and jurisdiction of each of the identified public entities, not The University, and can and should be adopted by these public entities.

Because implementation of this measure by neighboring jurisdictions cannot be guaranteed by The Regents, this cumulative impact is considered significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative noise impacts and any new mitigation measures that may be required during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

### **3. Cumulative Impact Associated with Increased Emissions of Criteria Air Pollutants in the Region (Initial Study Items 6b, c, and d)**

The project, in conjunction with growth allowed under the 1994 LRDP and cumulative development in the region, would cause increases in criteria pollutant emissions. These emissions would contribute to the continued exceedance of air quality standards enforced by the Yolo-Solano Air Quality Management District (YSAQMD). The project incrementally contributes to, but does not exceed, the cumulative criteria air pollutant emissions previously identified in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measures 4.5-3(a) (requiring various Transportation Demand Management measures to reduce automobile use and increase use of public transportation) and 4.5-3(b) (requiring the campus to obtain permits for all stationary and area sources as required by the air district), incorporated as part of the proposed project, will reduce the magnitude of the campus' contribution to this impact. Mitigation Measure 4.5-6(b) (identifying other public entities in addition to UC Davis that should take action to assure compliance with federal and state air quality standards) is outside the jurisdiction of The Regents. This cumulative impact is considered significant and unavoidable due to the non-attainment status of the area with respect to certain pollutants. This significant and unavoidable impact has been adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential air quality impacts and any new mitigation measures that may be required during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

#### **4. Cumulative Impact Associated with Hazardous Chemical Use (Initial Study Items 7a and b)**

The project, in conjunction with growth allowed under the 1994 LRDP and development in the region, would increase the cumulative number of people that could potentially be exposed to health hazards associated with increased use of hazardous chemicals. The project incrementally contributes to, but does not exceed, cumulative impacts related to hazardous chemical use previously analyzed in the 1994 LRDP EIR. 1994 LRDP EIR Mitigation Measures 4.6-1(a) through (c) (requiring the campus to strengthen programs that improve compliance with applicable laws and regulations, to establish a self-audit mechanism and reporting system, and to establish independent biennial health and safety audits) have been implemented by the campus and reduce the magnitude of the campus' contribution to this impact. However, the campus cannot guarantee the safe management of additional hazardous chemicals used at locations outside The Regents control. Because this authority falls within other jurisdictions to enforce and monitor, and can and should be enforced and monitored by the appropriate public entities, The Regents conservatively considers this cumulative impact significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative hazard and hazardous materials impacts and any new mitigation measures that may be required during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

#### **5. Cumulative Impact Associated with Hazardous Waste Management Facilities (Initial Study Items 7a and b)**

The project, in conjunction with growth allowed under the 1994 LRDP and development in the region, could place an additional load on hazardous waste management facilities. The project incrementally contributes to, but does not exceed, cumulative impacts on hazardous waste management facilities previously analyzed in the 1994 LRDP EIR. The 1994 LRDP EIR identified Mitigation Measures 4.6-4(a) and (b) (that require implementation of a hazardous waste minimization plan and completion of the Environmental Services Facility before occupying the first approved project following adoption of the 1994 LRDP) have been implemented and have reduced the campus' contribution to this impact. However, The Regents cannot guarantee the feasibility and implementation of waste management mitigation measures in jurisdictions outside The Universities control, although other public entities can and should implement these measures. For this reason, The Regents conservatively considers this cumulative impact significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. Hazards and hazardous materials mitigation measures identified in the 1994 LRDP EIR will be updated in the next LRDP EIR to reflect current waste management practices. The campus will also reexamine potential

cumulative hazard and hazardous materials impacts and any new mitigation measures that may be required during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

#### **6. Cumulative Impact on Receiving Water Quality (Initial Study Items 9a and f)**

The project, in conjunction with 1994 LRDP and regional growth, could reduce receiving water quality. The project incrementally contributes to, but does not exceed, cumulative impacts on receiving water quality previously analyzed in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measures 4.8-4(a) (requiring compliance with National Pollutant Discharge Elimination System [NPDES] Phase II regulations), 4.8-5(a) (project designs must include a combination of specified Best Management Practices to reduce pollutants in storm water discharge), and 4.8-6(a) to (c) (requiring monitoring of Wastewater Treatment Plant effluent discharge and compliance with Waste Discharge Requirements to ensure compliance with established effluent limits), incorporated as part of the project, would reduce the magnitude of the campus' contribution to this impact. However, 1994 LRDP EIR Mitigation Measures 4.8-8(b) and 4.8-8(c) (recommending that local jurisdictions in the Putah Creek watershed apply for, obtain and implement NPDES Municipal Storm Water Permits and comprehensive pollution prevention plans and monitoring programs) are within the responsibility and jurisdiction of public entities to enforce and monitor, and can and should be adopted by these public entities. Because The Regents cannot guarantee implementation of these measures, this cumulative impact is considered significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. Campus growth through 2014-15 would likely increase sources of water pollution beyond levels previously anticipated under the 1994 LRDP. The campus will reexamine potential cumulative water quality impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

#### **7. Potential Project and Cumulative Impacts on Water Supplied from the Deep Aquifer (Initial Study Item 9b)**

The project, in conjunction with growth allowed under the 1994 LRDP and development in the region, would increase use of groundwater from the deep aquifer. The magnitude of the impact on the aquifer is unknown because the status of the aquifer cannot be determined from available information and data. Continued implementation of 1994 LRDP EIR Mitigation Measure 4.14-1(a) (requiring various water conservation measures), incorporated into the project, will reduce the magnitude of potential impact on the aquifer. However, because the magnitude of this impact is unknown, the cumulative-level impacts of groundwater extraction from the deep aquifer are considered

significant and unavoidable, to preserve a conservative approach. These cumulative-level impacts were adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. Campus growth through 2014-15 would likely increase water use beyond levels previously anticipated under the 1994 LRDP. The campus will reexamine potential cumulative hydrology impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

#### **8. Cumulative Impact on Groundwater Recharge Potential (Initial Study Item 9b)**

The project, in conjunction with 1994 LRDP and other development in the Lower Cache-Putah Groundwater Basin, would increase the amount of impervious surface coverage in the basin, reducing the acreage available for groundwater recharge. The project incrementally contributes to, but does not exceed, cumulative impacts on reduced groundwater recharge potential previously analyzed in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measures 4.8-3(a) and (b) (requiring measures to maximize percolation and infiltration of precipitation into the underlying ground water aquifer), incorporated as part of the project, will reduce the campus' contribution to this impact. However, 1994 LRDP EIR Mitigation Measure 4.8-9(b) (recommending that jurisdictions in the Lower Cache-Putah Creek Ground Water Basin implement similar mitigation measures to maximize groundwater recharge) is within the jurisdiction of other public entities to enforce and monitor, and can and should be adopted by the appropriate public entities. Because the campus cannot guarantee the implementation of this measure, this cumulative impact is considered significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. Campus growth through 2014-15 would likely increase impervious surfaces beyond levels previously anticipated under the 1994 LRDP. The campus will reexamine potential cumulative groundwater recharge impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

#### **9. Cumulative Impact of Development and Potential Seismic Effects of Earthquakes (Initial Study Item 10a)**

The project, in conjunction with growth allowed under the 1994 LRDP and other development in the region, would increase the cumulative number of people living and working in the Davis area who would be exposed to strong ground motion and other potential seismic effects from earthquakes on local or regional faults. The project incrementally contributes to, but does not exceed, this cumulative impact previously analyzed in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR

Mitigation Measures 4.9-1 (a) to (e) (requiring compliance of final building design with applicable building codes and seismic safety provisions, inclusion of seismic safety policies in the department Injury and Illness Prevention Plan, continuation of seismic rehabilitation activities for identified campus facilities and development of a campus-specific Seismic Safety Policy), incorporated as part of the project, will reduce the campus' contribution to this impact to a less-than-significant level. However, 1994 LRDP EIR Mitigation Measures 4.9-3 (b) and (c) (recommending that the City of Davis continue to monitor and respond to studies of regional seismic safety, update and enforce Building Code requirements and investigate and mitigate geologic soil hazards) is within the jurisdiction of the City of Davis, and can and should be adopted by this public entity. Because the campus cannot guarantee the implementation of this measure by the City of Davis, this cumulative impact is considered significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative geology and soils impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

#### **10. Potential Project and Cumulative Impact on Cultural Resources (Initial Study Items 12b and d)**

Excavation, grading, and other activities associated with the construction of the project, 1994 LRDP, and other regional development, would result in the loss of prehistoric and historic resources. The project itself may potentially impact cultural resources, and it may incrementally contribute to, but not exceed, the cumulative impact on cultural resources previously analyzed in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measures 4.10-1(a) to (d) (generally prescribing measures to protect cultural resources), incorporated into the project, will reduce the campus' contribution to the cumulative-level impact. However, 1994 LRDP EIR Mitigation Measure 4.10-4(b) (recommending that the City of Davis, Yolo County and Solano County implement policies regarding protection of cultural resources) is within the responsibility and jurisdiction of the City of Davis and Yolo and Solano Counties, not the campus, and can and should be adopted by these public entities. In addition, even if cultural resources were adequately recorded, destruction and/or removal from their place of origin reduces the value of cultural resources. Therefore, potential cumulative-level impacts on cultural resources are considered significant and unavoidable and were adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative cultural resources impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

### **11. Cumulative Impact on Rural Character of Yolo and Solano Counties (Initial Study Items 13c and e)**

The project, in conjunction with growth allowed under the 1994 LRDP and other development in the region, will result in the loss of the rural character of the region. The project incrementally contributes to, but does not exceed, this cumulative impact previously analyzed in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measure 4.11-1 (requiring compliance with campus guidelines to minimize discomfort from light, glare, and heat), would reduce the visual impact contributed by growth under the 1994 LRDP, but would not reduce the campus' contribution to the cumulative impact on loss of rural character. 1994 LRDP EIR Mitigation Measure 4.11-5(b) (recommending implementation of general plan policies regarding preservation and protection of agricultural land by the City of Davis and Yolo and Solano Counties) is within the responsibility and jurisdiction of the City of Davis and Yolo and Solano Counties, not the campus, and can and should be adopted by these public entities. Because The Regents cannot guarantee the implementation of this mitigation by other entities, the impact is considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative aesthetics impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

### **12. Cumulative Impact on Fire Protection Services (Initial Study Item 14a[i])**

The project, in conjunction with growth allowed under the 1994 LRDP and cumulative growth in the region, could result in decreased level of service from City of Davis fire protection services. The project incrementally contributes to, but does not exceed, the demand for fire protection services previously identified in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measures 4.12-1 (requiring implementation of measures to maintain current level of fire protection services) and 4.12-2 (requiring verification of appropriate water pressure of the domestic/fire water system serving the project site), incorporated as part of the project, would reduce the campus' contribution to this cumulative impact. However, 1994 LRDP EIR Mitigation Measure 4.12-4(b) (recommending adherence to City of Davis ordinances and policies included in the General Plan to maintain appropriate level of fire protection services) is within the responsibility and jurisdiction of the City of Davis, and can and should be adopted by this public entity. Because The Regents cannot guarantee the implementation of this measure, this cumulative impact is considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative public service impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

### **13. Cumulative Impact on Police Protection Services (Initial Study Item 14a[ii])**

The project, in conjunction with growth under the 1994 LRDP and development in the region, could result in decreased level of service from UC Davis and City of Davis police protection services. The project incrementally contributes to, but does not exceed, the demand for police protection services previously identified in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measure 4.12-3 (requiring implementation of measures to maintain current level of campus police protection services), incorporated into the project, will reduce the campus' contribution to this impact. However, 1994 LRDP EIR Mitigation Measure 4.12-5(b) (recommending the City of Davis hire additional police officers and support staff or increase efficiency as needed to maintain an appropriate level of police protection services) is within the responsibility and jurisdiction of the City of Davis, and can and should be adopted by this public entity. Because the campus cannot guarantee the implementation of this measure, this cumulative impact is considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative public service impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

### **14. Cumulative Impact on the Davis Joint Unified School District (Initial Study Item 14a[iii])**

The project, in conjunction with growth under the LRDP and other development in the region, would generate an increased number of school age students in the Davis Joint Unified School District (DJUSD). The project incrementally contributes to, but does not exceed, the demand for school services in the DJUSD previously identified in the 1994 LRDP EIR. Implementation of 1994 LRDP EIR Mitigation Measure 4.13-5 (recommending the City of Davis and the DJUSD plan and construct new school facilities as indicated in the General Plan) is within the responsibility and jurisdiction of the City of Davis and the DJUSD, and can and should be adopted by these public entities. Because The Regents cannot guarantee implementation of this measure, this cumulative impact is considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The campus will reexamine potential cumulative public service impacts and the availability of additional feasible mitigation measures during the LRDP update process. The Regents finds this remaining significant and unavoidable impact is 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.H of these Findings.

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

The Tiered Initial Study identifies the following significant and potentially significant impacts associated with the project that would be reduced to "not significant" or "less-than-significant" levels by the implementation of 1994 LRDP EIR. 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.

##### **1. Project Specific Impact of Land Use Consistency (Initial Study Item 1a)**

The proposed parking structure would be located on land designated in the 1994 LRDP land use plan as Academic and Administrative. The conflict with a planned land use is considered a potentially significant impact prior to mitigation. Project Specific Mitigation Measure 1 proposes to change the proposed WEPS land area from Academic and Administrative to Parking and change the current Parking designation on the south side of Hutchison Drive to Academic and Administrative. The proposed mitigation measure would mitigate the identified impact to a less-than-significant level.

##### **2. Project Specific and Cumulative Impact of Increased Traffic on Campus (Initial Study Item 4a and b)**

Cumulative growth associated with development under the 1994 LRDP, including the project, would contribute increased traffic volumes on campus that could exceed level of service standards of campus intersections. Implementation of 1994 LRDP EIR Mitigation Measures 4.3-1(b) [a] and [f], as revised, which require future modifications to the California Avenue/realigned Old Davis Road and Health Sciences Drive/Hutchison Drive intersections, would reduce on-campus level of service impacts to less-than-significant levels. In addition, implementation of Project Specific Mitigation Measure 2 would require further intersection or roadway improvements at the following locations to reduce the identified traffic impacts to a less-than-significant level: Hutchison Drive/La Rue Road intersection, Hutchison Drive/Dairy Road intersection, Hutchison Drive/Kleiber Hall Drive, Dairy Road, and Hutchison Road. Other cumulative traffic impacts associated with the project in conjunction with 1994 LRDP and regional development are discussed in Part II.C, above.

##### **3. Cumulative Impact on Demand for Transit Services (Initial Study Item 4j)**

Growth in population associated with development allowed under the 1994 LRDP, including the project, would increase demand for transit services. Implementation of 1994 LRDP EIR Mitigation Measure 4.3-5 (specifying actions to be taken to support transit use),

incorporated into the project, will reduce this impact to a less-than-significant level by ensuring that adequate transit services are available to meet campus needs.

#### **4. Cumulative Impact on Parking Demand (Initial Study Item 4f)**

Growth in population associated with development allowed under the 1994 LRDP, including the proposed project, could increase parking demand. Compliance with 1994 LRDP EIR Mitigation Measure 4.6-3, incorporated into the project, will reduce this impact to a less-than-significant level by ensuring that the campus continue to actively pursue Transportation Demand Management strategies.

#### **5. Temporary Project Impact on Noise Levels Due to Earthmoving and General Construction Activities (Initial Study Items 5a, c, and d)**

Construction activities associated with the project would result in temporary short-term increases in noise levels that could adversely affect adjacent academic uses and sensitive receptors. Implementation of 1994 LRDP Mitigation Measures 4.4-1(a) through (f) (requiring implementation of noise reduction measures), incorporated into the project, will reduce this impact to a less-than-significant level.

#### **6. Project Impact on Permanent Noise Levels (Initial Study Items 5a, c, and d)**

The project would result in an increase in vehicle traffic that could expose existing and proposed academic and administrative uses to increased noise levels. Implementation of 1994 LRDP Mitigation Measures 4.4-3(a) and (b) (requiring evaluation of proposed projects for potential exposure to noise levels exceeding 60  $L_{dn}$  and implementation of strategies to achieve an interior noise level of 45  $L_{dn}$ ), incorporated into the project, will reduce this impact to a less-than-significant level.

#### **7. Temporary Project Impact Associated with Increased Emissions of $PM_{10}$ Due to Construction Activities (Initial Study Item 6b, c, and d)**

Increased  $PM_{10}$  emissions associated with construction of the proposed project would contribute to the continued exceedance of air quality standards enforced by the YSAQMD. In addition, nearby sensitive receptors (including student housing) would be exposed to short-term elevated levels of  $PM_{10}$ . However, air quality impacts associated with construction would be temporary and short-term. Implementation of 1994 LRDP EIR Mitigation Measures 4.5-1(a) through (d) (requiring various measures to reduce fugitive dust impacts during construction), incorporated as part of the project, will reduce these impacts to less-than-significant levels.

**8. Project Impact Associated with Hazardous Chemical Use (Initial Study Item 7a and b)**

The proposed project would involve the use of hazardous chemicals and radioactive materials at UC Davis, potentially exposing campus occupants to potential health or safety risks. Implementation of 1994 LRDP EIR Mitigation Measure 4.6-1 (requiring the campus to strengthen programs to improve compliance with applicable laws and regulations, to establish a self-audit mechanism and reporting system, and to conduct independent biennial health and safety audits), incorporated as part of the project, will reduce this potential impact to a less-than-significant level.

**9. Project Impact Associated with Hazardous Chemical Waste Generation (Initial Study Items 7a and b)**

The proposed project would generate small amounts of hazardous chemical wastes, potentially exposing campus occupants to potential health or safety risks. 1994 LRDP EIR Mitigation Measure 4.6-2 (requiring the campus complete and occupy the new Environmental Services Facility, create a Waste Minimization Coordinator position, and implement hazardous chemical and radioactive waste minimization plans) has been implemented by the campus to reduce this potential impact to a less-than-significant level.

**10. Project Impact Associated with Construction Activities and Potential Contamination (Initial Study Items 7a and b)**

Construction activities associated with the project could expose campus occupants and construction workers to potentially contaminated soil or groundwater or potentially contaminated building materials. Implementation of 1994 LRDP EIR Mitigation Measures 4.6-16 and 4.6-18, incorporated into the project, would ensure that construction sites are investigated for potential contamination, and that appropriate safety and remediation actions are taken if necessary. Implementation of these measures will reduce this potential impact to a less-than-significant level.

**11. Project and Cumulative Impact on Emergency Response (Initial Study Item 7g)**

The project itself and the project in conjunction with cumulative growth in the region could contribute to the demand for emergency response capabilities. Continued implementation of 1994 LRDP EIR Mitigation Measures 4.6-22(a) (requiring adequate training and equipment for the campus emergency response team), 4.6-22(b) (requiring preparation of emergency planning documents), 4.6-22(c) (requiring preparation of a Business Plan, Injury and Illness Prevention Plan, and Laboratory Chemical Hygiene Plan for all new buildings), 4.6-22(d) (requiring emergency planning and safety training for occupants of new buildings), and 4.6-22(e) (requiring measures related to the safe use of hazardous chemicals), are incorporated into the project. These mitigation measures are capable of

reducing the potential project-level impact on emergency response capabilities to a less-than-significant level; however, the 1994 LRDP EIR considered the cumulative impact on emergency response significant and unavoidable because The Regents could not guarantee that the City of Davis and Yolo County would reach a Mutual Aid Agreement to provide first-response both in the campus and in the City and County. Since the 1994 LRDP EIR was published, the City of Davis and Yolo County have reached a Mutual Aid Agreement; therefore, this cumulative impact is now reduced to a less-than-significant level.

#### **12. Project Impact on Inadvertent Release of Hazardous Materials (Initial Study Item 7 a and b)**

The project would involve the use of hazardous materials that could be inadvertently released to the sewer or disposed of with non-hazardous solid waste. Continued implementation of 1994 LRDP EIR Mitigation Measures 4.6-24(a) and (b) would require the campus to comply with Waste Discharge Requirements and a Pretreatment Program and would ensure that the campus implement a waste exclusion program. Implementation of these measures will reduce this impact to a less-than-significant level.

#### **13. Project Impact to Swainson's Hawk Nesting Efforts (Initial Study Item 8a)**

Annual surveys conducted during the last seven years for nesting Swainson's hawks have identified six nest sites within 1/2 mile of the project site. Construction of the project could result in nest abandonment and nesting failure by Swainson's hawks located within this 1/2-mile radius. Implementation of 1994 LRDP EIR Mitigation Measures 4.7-6(a) and (b) (requiring a pre-construction breeding season survey within a 1/2 mile radius of the project site and, if necessary, change the project in consultation with CDFG to reduce disturbances), incorporated as part of the project, will ensure that this potential impact is reduced to a less-than-significant level.

#### **14. Project Impact on Loss of Annual/Ruderal Grassland Habitat (Initial Study Item 8a)**

Development of the project could potentially result in the loss of special-status plant species. 1994 LRDP EIR Mitigation Measure 4.7-1 (a) (requiring a special status plant survey) was implemented as part of the project. The survey identified that no special status plant species and no habitat for special plant species exist on the project site. Therefore, this potential impact is reduced to a less-than-significant level.

**15. Project Impact to Receiving Water Quality Due to Construction Activities (Initial Study Item 9a)**

Increased siltation and sedimentation generated during construction activities associated with the project could adversely affect receiving water quality. As part of a recent agreement with the Central Valley Regional Water Quality Control Board, the campus has filed for coverage under a NPDES state-wide General Permit for Discharge of Storm Water Associated with Construction Activity. As part of this permit, the project's contractor would prepare and implement a project-specific stormwater pollution prevention plan for construction activities. Implementation of this measure will reduce the impact to a less-than-significant level.

**16. Project Impact to Receiving Water Quality Due to Increased Storm Water Runoff (Initial Study Item 9a)**

Development of the project would increase the amount of runoff from the project site and could adversely affect receiving water quality. 1994 LRDP EIR Mitigation Measures 4.8-5(a) (requiring the project design to include a combination of Best Management Practices to minimize the impact on receiving water quality) and 4.8-5(b) (specifying requirements for prohibiting discharge of storm water runoff from confined animal facilities into the storm drainage systems) are incorporated into the project. Implementation of these measures will reduce this impact to a less-than-significant level.

**17. Project Impact to Receiving Water Quality Due to Increased Discharge of Treated Effluent (Initial Study Item 9a)**

Development of the project would increase flows to the campus Wastewater Treatment Plant, generating increased discharge of treated effluent into the South Fork of Putah Creek, which could adversely affect receiving water quality. Implementation of 1994 LRDP EIR Mitigation Measure 4.8-6(a) to (c) (requiring monitoring of effluent discharge and compliance with Waste Discharge Requirements), incorporated into the project, will reduce this impact to a less-than-significant level.

**18. Project Impact on Potential Seismic Effects of Earthquakes (Initial Study Item 10a [ii and iii])**

The project would increase the number of people living and working in the Davis area who would be exposed to strong ground motion and other potential seismic effects from earthquakes on local or regional faults. 1994 LRDP EIR Mitigation Measures 4.9-1(a) to (c) (requiring compliance of final building design with applicable building codes and seismic safety provisions, inclusion of seismic safety policies in the department Injury and Illness Prevention Plan, continuation of seismic

rehabilitation activities for identified campus facilities, and development of a campus-specific Seismic Safety Policy) are incorporated into the project. Implementation of these measures will reduce this impact to a less-than-significant level.

**19. Project Impact Associated with Expansive Soils (Initial Study Item 10d)**

Soils underlying the project site exhibit moderate shrink-swell (expansion) potential. A moderate shrink-swell potential can cause damage to buildings and structures. Implementation of 1994 LRDP Mitigation Measure 4.9-1(a) would require review of project design to ensure compliance with California Uniform Building Code requirements. Compliance will mitigate potential adverse effects associated with expansive soils or other site geotechnical characteristics to the extent feasible, thereby reducing this impact to a less-than-significant level.

**20. Project Impact on Glare, Artificial Light, Heat and Shade (Initial Study Item 13d)**

The project could create glare, artificial light, heat and shade, making the immediate area uncomfortable for people. Implementation of 1994 LRDP EIR Mitigation Measure 4.11-4(b) (requiring compliance with campus guidelines to minimize discomfort from light, glare and heat), incorporated into the project, will reduce this impact to a less-than-significant level.

**21. Project Impact on Fire Protection Services (Initial Study Item 14a[i])**

The project could result in decreased level of service from UC Davis fire protection services. Continued implementation of 1994 LRDP EIR Mitigation Measures 4.12-1 (requiring implementation of measures to maintain current level of fire protection services) and 4.12-2 (determining that adequate water pressure exists before constructing new buildings), incorporated into the project, will reduce this impact to a less-than-significant level.

**22. Project Impact on Police Protection Services (Initial Study Item 14a[ii])**

The project could result in decreased level of service from the UC Davis Police Department. Continued implementation of 1994 LRDP EIR Mitigation Measure 4.12-3 (requiring measures to maintain current level of police protection services), incorporated into the project, will reduce this impact to a less-than-significant level.

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

The Initial Study identifies the following less-than-significant impact for which a mitigation measure has been incorporated as part of the project. Mitigation measures to further reduce

less-than-significant impacts are not required by CEQA. The mitigation measure identified below is presented in summary form. For a detailed description of this measure, please see the Initial Study.

**1. Project and Cumulative Impact on Water Supply from the Shallow/Intermediate Aquifer (Initial Study Item 9b)**

The project itself, and the project in conjunction with cumulative regional growth, would increase the demand for utility water from the shallow/intermediate aquifer. Increased demand on this aquifer is considered a less-than-significant impact because the aquifer does not indicate a declining trend based on monitoring data. Although not required, 1994 LRDP EIR Mitigation Measures 4.14-3(a) (utility water conservation measures) and 4.14-3(b) (continued monitoring of groundwater elevations) are incorporated as part of the project to further reduce this impact.

**F. 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 Regents hereby adopts the Mitigation Monitoring Program for the West Entry Parking Building and Office Building Project, set forth in Section IX of the Tiered Initial Study. To the extent that this project incorporates relevant 1994 LRDP EIR mitigation measures previously adopted by The Regents, implementation of these mitigation measures would be monitored pursuant to the 1994 LRDP EIR monitoring program (as revised), previously adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. The 1994 LRDP EIR, as revised, identified mitigation measures that would further reduce environmental impacts determined to be less-than-significant. While there is no requirement in CEQA to mitigate insignificant environmental impacts, mitigation measures further reducing less-than-significant impacts are included in the approval of the project to further enhance environmental quality. The 1994 LRDP EIR Mitigation Monitoring Program is designed to reduce or eliminate cumulative significant and unavoidable, significant, and potentially significant impacts, as well as impacts determined to be less-than-significant.

**G. Additional Findings**

**1.** As evaluated in the Cumulative Impact Analysis included as Appendix C to the Draft EIR, recent campus enrollment growth projections show that the three-quarter average on-campus student population may increase to 27,530 (1,530 more than were projected in the 1994 LRDP) and the faculty and staff population may increase to approximately 11,700 (930 less than projected in the 1994 LRDP) through 2005-06. Although this future total campus population could exceed 1994 LRDP projections by approximately 600 people, the composition of this growth would

include more students than faculty and staff, and faculty and staff tends to generate more environmental impacts than do students. In addition, the campus is not expected to exceed physical development anticipated under the 1994 LRDP. Therefore, The Regents finds that the cumulative impacts of campus growth through 2005-06 have been adequately addressed in the 1994 LRDP EIR, as revised.

## **H. Statement of Overriding Considerations**

The Regents 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 substantially mitigated, 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 1994 LRDP are equally relevant to, and are adopted as a part of, this project. All cumulative significant and unavoidable impacts were previously addressed adequately in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP and certification of the 1994 LRDP EIR. These Findings and Overriding Considerations have been re-evaluated and are found to be current and valid Findings and Overriding Considerations equally applicable to the significant and unavoidable impacts today. Despite the occurrence of significant and unavoidable cumulative adverse environmental effects in the areas of traffic, hazardous materials, hydrology and water quality, noise, air quality, geology, cultural resources, aesthetics, and public services, the additional reasons for the approval of the project are as follows:

1. The project implements a portion of the 1994 LRDP and is consistent with the analysis in the 1994 LRDP EIR.
2. The project would provide additional parking to help meet increased demand for core area parking and would implement Mitigation Measure 4.3-6 from the 1994 LRDP EIR.
3. The project would provide additional police facilities to facilitate the provision of adequate police services at UC Davis and to assist with continued implementation of the 1994 LRDP EIR Mitigation Measure 4.12-3.
4. The project would maintain adequate bicycle and pedestrian facilities adjacent to the roadways affected by the proposed project.
5. The project would provide direct and efficient automobile, bus, and bicycle access to the core campus via Hutchison Drive.

6. The project would provide additional office space for parking services in close proximity to a parking facility.

### **I. Incorporation by Reference**

These Findings incorporate by reference in their entirety the text of the Initial Study; the 1994 LRDP; the 1994 LRDP EIR; the WWTP Replacement Project EIR; the 1997-98 Major Capital Improvement Projects SEIR; the Center for the Arts Performance Hall and South Entry Roadway and Parking Improvements Tiered Initial Study and Mitigated Negative Declaration; the USDA Western Human Nutrition Research Center Tiered Initial Study and Mitigated Negative Declaration; the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR; the Segundo Housing Improvements Projects Tiered Initial Study and Mitigated Negative Declaration; the Conference Center, Hotel, and Graduate School of Management Building Focused Tiered EIR; and the Findings and Overriding Considerations adopted by The Regents in connection with the 1994 LRDP EIR; the WWTP Replacement Project EIR; the 1997-98 Major Capital Improvement Projects; the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR; and the Conference Center, Hotel, and Graduate School of Management Building Focused Tiered EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, project and cumulative impacts, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project.

### **J. Record of Proceedings**

Various documents and other materials constitute the record of proceedings upon which The Regents bases its findings and decisions contained herein. Most documents related to this project are located in the campus Office of Resource Management and Planning, Regents of California, One Shields Avenue, 376 Mrak Hall, Davis, California 95616. The record of proceedings for the 1994 LRDP approval is also located in the Office Resource Management and Planning. The custodian for these two records of proceedings is the Office of Resource Management and Planning.

### **K. Fish and Game Fee**

The Regents hereby finds that, upon consideration of the record as a whole, there is no evidence before it that the Action has a potential for any new adverse effect on wildlife resources, or the habitat upon which the wildlife depends. No threatened, endangered, or protected animals, and no habitat necessary to sustain such animals have been found on the Action site. Because the Action will have no impacts on wildlife as defined in Section 711.2 of the Fish & Game Code, the Action will not contribute to potential cumulative development impacts to such wildlife. The Regents hereby further finds, on the basis of substantial evidence in the record as a whole, that the presumption of adverse impacts to wildlife described in Section 753.5, Title 14, California Code of Regulations, has been rebutted. Accordingly,

The Regents finds that the Action is exempt from the requirement of a filing fee payable to the State Department of Fish & Game.

## **L. Summary**

1. Based on the foregoing Findings and the information contained in the record, The Regents has made one or more of the following Findings with respect to each of the significant effects of the project:

- a. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.
- b. Changes or alterations required to mitigate significant cumulative effects are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.
- c. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

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

- a. All significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described and adopted in the Findings and Statement of Overriding Considerations in Section II.H, above.

## **III. APPROVAL**

The Regents hereby takes the following actions:

- A. Adopts the Mitigated Negative Declaration for the project as described in Section I, above.

- B.** Approves and incorporates into the project all project elements and all relevant, previously adopted 1994 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.** Amends the UC Davis 1994 LRDP land use map as described in Section VII of the Initial Study; and
- E.** Approves the design of the West Entry Parking Structure and Office Building Project.