CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE DESIGN OF THE
DAVIS HALL NORTH REPLACEMENT BUILDING, BERKELEY CAMPUS

I. REVIEW AND CONSIDERATION OF THE FINAL EIR

On January 17, 2002, pursuant to Title 14, California Code of Regulations, Section 15090, the Board of Regents of the University of California (“The Regents”) certified the Final Environmental Impact Report (“Final EIR”) (State Clearinghouse No. 2001022038) for the Northeast Quadrant Science and Safety Projects (the “NEQSS Projects”) and 1990 Long Range Development Plan Amendment (the “LRDP Amendment”) for the University of California, Berkeley campus (the “Berkeley Campus”). The Regents determined that the Final EIR had been completed in compliance with the California Environmental Quality Act, Public Resources Code Section 21000, et seq. (“CEQA”) and the State CEQA Guidelines, Title 14, California Code of Regulations, Section 15000, et seq. (“CEQA Guidelines”), and approved the LRDP Amendment. The Regents also adopted findings imposing mitigation measures identified in the Final EIR as conditions of approval of the LRDP Amendment, setting forth a statement of overriding considerations for the significant environmental impacts of the NEQSS Projects that remained after mitigation, and approving the LRDP Amendment (the “LRDP Amendment and NEQSS Projects Findings”).

The first stage of the NEQSS Projects involved the demolition and replacement of the existing Stanley Hall. The Regents approved the design of the Stanley Hall Replacement Building and adopted findings in connection with that approval (the “Stanley Hall Findings”) on May 16, 2002. The second stage of the NEQSS Projects is the demolition and replacement of the existing Davis Hall North building, referred to as the “Davis Hall North Replacement Building” or “DHNRB” (the “Action”). The Action is the subject of these findings.

The Final EIR assesses the potential environmental effects of implementation of the LRDP Amendment, including the Action, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives. The Final EIR also analyzes project-level environmental impacts associated with the development necessary to implement the NEQSS Projects, including the Action. The potential environmental effects of the NEQSS Projects are analyzed in relation to the 1990 Long Range Development Plan Program Environmental Impact Report (State Clearinghouse No. 88011208) in a tiered analysis contained in the Final EIR.

The demolition and replacement of the existing Stanley Hall has begun and The Regents’ approval of the Action will incrementally contribute to existing demolition and construction activities in the northeast quadrant of the Central Campus. The Final EIR analyzes these short-term demolition and construction activities and concludes that such activities will result in significant noise impacts affecting areas surrounding the NEQSS Projects sites and affecting campus activities in adjacent buildings. Although there are numerous mitigation measures imposed on the NEQSS Projects to reduce these impacts, they cannot be reduced to a level of less than significant either because additional mitigation measures are not available or are currently considered infeasible.
The Final EIR also concludes that the loss of the tennis courts at the Lower Hearst Parking Structure will result in a significant impact to recreational resources. Subsequent to certification of the Final EIR by The Regents, however, the City of Berkeley and the Berkeley Campus, with participation of the Office of the General Counsel, reached agreement on a set of further steps to address community concerns with impacts of the NEQSS Projects. In honor of that agreement, the Berkeley Campus expects to replace the tennis courts that will be converted to parking at the Lower Hearst Parking Structure and such replacement will fully mitigate this impact.

The Final EIR analyzes certain land use, visual quality and aesthetics, and cultural impacts of the DHNRB based on design guidelines for the DHNRB (see Design Guidelines, Appendix D, Draft EIR) rather than schematic designs. The Design Guidelines are part of the DHNRB project description and guide the analysis of land use, visual quality and aesthetics, and cultural impacts of the DHNRB in the Final EIR. (See page 2-22 of the Draft EIR, as amended by the Final EIR.) The Final EIR concludes that development of the DHNRB consistent with the Design Guidelines will result in less-than-significant land use, visual quality and aesthetics, and cultural impacts. (See pages 3.2-12, 3.3-28 and 3.4-27 of the Draft EIR, as amended by the Final EIR.) Schematic designs have since been completed and The Regents concludes that the schematic designs are consistent with the Design Guidelines.

The Regents certifies that it has received, reviewed and considered the information contained in the Final EIR. The Regents has determined that the Final EIR contains the environmental analysis and information necessary to support approval of the Action, as set forth in Section III, below.

II. FINDINGS

The following Findings are hereby adopted by The Regents in conjunction with the approval set forth in Section III, below.

A. Adequacy of the Final EIR

In addition to serving as the environmental document for approval of the LRDP Amendment, the Final EIR was intended by The Regents to be the basis for compliance with CEQA for future discretionary actions to carry out the LRDP Amendment and the NEQSS Projects. In accordance with applicable provisions of the CEQA Guidelines, The Regents has independently examined the Action in light of the Final EIR and the LRDP Amendment and NEQSS Projects Findings to determine whether or not an additional environmental document must be prepared. Based on this review, The Regents finds that:

1. The Action is within the scope of the LRDP Amendment and the NEQSS Projects. The environmental effects of the Action were fully examined in the Final EIR.
2. The Action does not involve any substantial changes to the LRDP Amendment or the NEQSS Projects that will require revisions to the Final EIR. The Action will not result in any new significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

3. The Action does not involve substantial changes with respect to the circumstances under which the LRDP Amendment and the NEQSS Projects are undertaken. As a result, no revisions of the Final EIR are required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

4. There is no new information of substantial importance that has become available since the Final EIR was completed showing any new or more severe environmental effects not discussed in the Final EIR, or that any new mitigation measures or alternatives previously found infeasible or considerably different from those discussed in the Final EIR have become available.

5. All of the significant environmental effects of the Action have been adequately addressed in the Final EIR in that those impacts: (A) have been mitigated or avoided as a result of the Final EIR and LRDP Amendment and NEQSS Projects Findings, or (B) have been examined at a sufficient level of detail in the Final EIR to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the Action.

6. The Action does not provide an additional opportunity to eliminate or substantially reduce any of the significant and unavoidable adverse impacts identified in the Final EIR.

7. The regional or area-wide cumulative impacts of the Action have been adequately addressed in the Final EIR and LRDP Amendment and NEQSS Projects Findings.

Accordingly, The Regents finds that the Final EIR adequately analyzes the potential environmental impacts of the Action, and that the mitigation measures adopted and incorporated as conditions of approval for the LRDP Amendment adequately mitigate the significant or potentially significant environmental effects of the Action to less-than-significant levels, except as otherwise set forth in the LRDP Amendment and NEQSS Projects Findings. No further environmental review of the Action is necessary.

B. Reasons Supporting Approval

In accordance with CEQA Guidelines Section 15093, in deciding whether to approve the LRDP Amendment, The Regents balanced the benefits of the LRDP Amendment and the NEQSS Projects against their unavoidable environmental risks, and determined that the benefits
outweigh the significant and unavoidable adverse environmental effects. The reasons set forth in the LRDP Amendment and NEQSS Projects Findings, incorporated by reference herein, are based on the Final EIR, the LRDP Amendment and other information contained in the record.

Additionally, the Action is necessary to continue the process of developing the NEQSS Projects, to serve the seismic replacement and program needs identified by The Regents and to advance the other benefits of the LRDP Amendment. The Action will result in a seismically upgraded and modernized facility that will be a key component of the new Center for Information Technology Research in the Interest of Society ("CITRIS") and its research and instructional programs. This new facility will have laboratories, seminar space, offices, high-tech classrooms, state-of-the-art facilities for the Microfabrication Laboratory, and will serve as an interdisciplinary research facility for large-scale information technology.

C. Additional Findings

1. Incorporation by Reference

These findings incorporate by reference in their entirety the text of the LRDP Amendment, the Final EIR, the LRDP Amendment and NEQSS Projects Findings and Statement of Overriding Considerations adopted by The Regents on January 17, 2002 in connection with its approval of the LRDP Amendment, and the Stanley Hall Findings adopted by The Regents on May 16, 2002 in connection with its approval of the design of the Stanley Hall Replacement Building. Without limitation, this incorporation is intended to elaborate on the scope and nature of the Action, potential environmental impacts that could result from the Action, related mitigation measures, and the basis for determining the significance of the impacts of the Action.

2. Mitigation Monitoring

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or makes a condition of project approval, including mitigation measures intended to eliminate or reduce potentially significant impacts of the project, in order to ensure compliance during project implementation. To the extent this Action incorporates relevant Final EIR mitigation measures previously adopted by The Regents, implementation of these mitigation measures in connection with this Action will be monitored pursuant to the Final EIR monitoring program adopted by The Regents in connection with its approval of the LRDP Amendment.

3. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which The Regents bases these findings and approval contained herein. The location and custodian of these documents and materials is the University of California, Berkeley, Office of Physical and Environmental Planning, Capital Projects, Room 300, 1936 University Avenue, Berkeley, California 94720-1382. Some documents included in the administrative record may also be
located at other offices at the Berkeley campus, at the University’s Office of the President, 1111 Franklin Street, Oakland, California 94607-5200, and/or at the offices of the consultants retained by the University for the LRDP Amendment and NEQSS Projects.

4. 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.

D. Summary

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 the Action:

1. The Action will incrementally contribute to, but will not increase the severity of, significant environmental impacts previously identified in the Final EIR.

2. All Final EIR mitigation measures relevant to the Action are made a condition of approval.

3. All significant effects on the environment due to the Action have been eliminated or substantially lessened where feasible through Final EIR mitigation measures adopted in connection with The Regents’ approval of the LRDP Amendment. Some of those mitigation measures are within the responsibility and jurisdiction of another public agency that has adopted, or can and should adopt such changes, and the University lacks concurrent jurisdiction to adopt or implement such mitigation measures.

4. The Action will not result in environmental effects that were not adequately examined in the Final EIR.

5. All remaining significant effects on the environment found to be unavoidable are acceptable due to the reasons set forth in the LRDP Amendment and NEQSS Projects Findings and Statement of Overriding Considerations adopted by The
III.  APPROVALS

The Regents hereby takes the following actions:

A.   The Regents previously certified the Final EIR, as described in Section I, above.

B.   The Regents hereby approves and makes a condition of the project approval all project elements and relevant Final EIR mitigation measures identified in the Final EIR.

C.   The Regents hereby adopts the findings in their entirety as set forth in Section II, above.

D.   Having previously certified the Final EIR, independently reviewed and analyzed the Final EIR, conditioned the NEQSS Projects as described above, and adopted the LRDP Amendment and NEQSS Projects Findings, The Regents hereby approves the design of the Davis Hall North Replacement Building, Berkeley Campus.