

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE DESIGN OF THE
SCIENCES LABORATORY BUILDING AND LECTURE HALL, DAVIS CAMPUS**

I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION

In accordance with Title 14, California Code of Regulations, Section 15074, the Board of Regents of the University of California (The Regents) hereby finds that the Mitigated Negative Declaration and the Tiered Initial Study prepared for the proposed Sciences Laboratory Building and Lecture Hall 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 the Mitigated Negative Declaration, Tiered Initial Study, comments received during the public review process, and responses to these comments, were presented to The Regents, and that The Regents reviewed and considered the information contained in these items prior to approving the project. 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 following Findings are hereby adopted by The Regents 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 campus proposes to construct and operate a new Sciences Laboratory Building and Lecture Hall on campus. The project site for the proposed Sciences Laboratory and Lecture Hall facilities is located in the central campus north of Hutchison Drive between Haring Hall and Briggs Hall. The proposed project would include the construction of a three-story, approximately 142,135 gross square feet Sciences Laboratory Building and a one-story, approximately 12,250 gross square feet Lecture Hall. The project would also include the reassignment of uses currently occupying six existing buildings on campus.

The proposed Sciences Laboratory Building would provide modern facilities to meet the current and planned instructional program needs in the biological and physical sciences. The building would allow uses currently occupying several outdated and inadequate spaces in the central campus to be relocated to the new building, thereby consolidating teaching facilities and allowing for future flexibility and expansion of classes consistent with projected enrollments. Once uses are moved to the new building, released class laboratory space would be converted primarily to office and laboratory research space and other academic support functions to meet critical research and support space needs. The Lecture Hall would be designed to serve a variety of academic disciplines and types of instruction.

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. 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), and Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR (State Clearinghouse No. 2000022057). 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, analyzed the overall effects of campus growth and facility developments through 2005-06 and identified 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 relied 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) long-term cumulative impacts. The purpose of the project's 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 analyzes 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 was determined that for all resource areas, the project would not result in any significant impacts that cannot be mitigated to less-than-significant levels or are not sufficiently addressed by the 1994 LRDP EIR. The campus found that the project may incrementally contribute to, but will not exceed, significant environmental impacts previously identified in the 1994 LRDP EIR. In addition, the campus found that the project could result in potentially significant environmental impacts that were not previously identified in the 1994 LRDP EIR, but project-specific mitigation measures included in the Tiered Initial Study would reduce these impacts to a level where no significant impacts could occur. The project-specific mitigation measures address potential impacts associated with the areas of transportation/circulation (inadequate parking facilities) and biological resources (impacts on bats). 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 Office of Planning and Research and circulated for a 30-day public review period beginning on March 6, 2001 and concluding on April 5, 2001. During that time, the document was reviewed by various state and local agencies, as well as by interested individuals and organizations. Five comment letters were received during the public review period. None of the letters raised any new environmental impacts that had not already been identified, analyzed, and mitigated to a less than significant level in the Tiered Initial Study.

The comments received during the public review period and responses thereto are provided in the final Tiered Initial Study. The comments addressed: (1) the capacity of the campus Wastewater Treatment Plant, (2) quality of water discharged into the campus Wastewater Treatment Plant and into the South Fork of Putah Creek, (3) air pollutant management during construction, (4) early regulatory consultation for air quality permitting, and (5) bat exclusion from Haring Barn. In responding to these comments, Project-Specific Mitigation Measure 3 (that requires a replacement roosting facility if bats are present in Haring Barn) was revised in the final Tiered Initial Study to include bat exclusion from Haring Barn. The Tiered Initial Study was also revised to reflect refined space estimates for the Sciences Lab and Lecture Hall facilities. These revisions do not change the conclusions presented in the Draft Tiered Initial Study.

C. Relation of the Project to the 1994 LRDP EIR

All mitigation measures in the 1994 LRDP EIR adopted by The Regents that are relevant to the project, as identified in the project's Tiered Initial Study, as well as all project-specific mitigation measures and all project components described in the Tiered Initial Study, are included in the Approval and incorporated into the project.

The project is consistent with the campus 1994 LRDP. The 1994 LRDP EIR identified potentially significant environmental impacts resulting from implementation of LRDP

development, and included mitigation measures to reduce the impacts of such development to the extent feasible. Despite the adoption of all feasible mitigation measures by The Regents, some LRDP impacts remained significant. These significant and unavoidable impacts were fully addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP as subsequently amended. There are no changed circumstances, no new information, and no new mitigation measures identified since the preparation of these documents that require reanalysis of cumulative impacts.

None of the conditions described in CEQA or the CEQA Guidelines calling for preparation of a subsequent EIR have occurred. The Tiered Initial Study does not identify any issues or include any information concerning new significant effects on the environment or a substantial increase in the severity of previously identified significant effects analyzed in the 1994 LRDP EIR.

The following discussion addresses the two new impacts identified in the Tiered Initial Study and the associated project-specific mitigation measures.

1. Transportation/Circulation

The Tiered Initial Study indicates that the project, in addition to anticipated campus growth from recently approved and proposed projects, may result in inadequate parking. The following project-specific mitigation measure, identified in the Tiered Initial Study and hereby adopted and incorporated into the project, will reduce the impact on parking to a less-than-significant level.

1. *Transportation and Parking Services shall implement attendant-assisted (i.e., stacked parking) for Parking Lot 25 and Parking Lot 41 until such time as new parking facilities are added to the campus parking inventory.*

2. Biological Resources

The Tiered Initial Study indicates that the project could adversely affect resident and/or migratory non-listed bat species. Haring Barn, which will be demolished by the proposed project, shows evidence of roosting by the Mexican free-tailed bat. The following two project-specific mitigation measures, identified in the Tiered Initial Study and hereby adopted and incorporated into the project, will reduce the impact on bats roosting in Haring Barn to a less-than-significant level.

2. *Prior to demolition of Haring Barn, the campus shall conduct a pre-demolition survey during the time when bats would be expected to be present and active (i.e., early April) to determine the presence of roosting bats. If no evidence exists that bats are roosting in the barn, then no further mitigation is required.*

3. *If roosting bats are determined to be present, and prior to demolition of Haring Barn, the campus shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to Haring Barn, to the extent feasible. Based on recommendation from a bat specialist, appropriate bat exclusion devices shall be installed at Haring Barn to prevent roosting bats from being in the facility when demolition occurs. The replacement roosting facility shall be monitored periodically until demolition activities are completed to document bat utilization.*

D. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Tiered Initial Study and Mitigated Negative Declaration prepared for the project; 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; and the Findings and Statement of Overriding Considerations adopted by The Regents in connection with its certification with the 1994 LRDP EIR, the WWTP Replacement Project EIR, the 1997-98 Major Capital Improvement Projects, and the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of project and cumulative impacts, related mitigation measures, and the basis for determining the significance of such impacts.

E. Mitigation Monitoring Program

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or incorporates into the project reporting, or in order to ensure compliance during project implementation. The Mitigation Monitoring Program for the project-specific mitigation measures identified above, prepared to serve this purpose, is included with the Tiered Initial Study and is hereby adopted by The Regents. Implementation of mitigation measures incorporated into the project that were previously adopted by The Regents for the 1994 LRDP EIR will be monitored pursuant to the mitigation monitoring program previously adopted by The Regents in connection with its approval of the 1994 LRDP as subsequently amended.

F. 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, University 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.

G. 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 project:

1. Changes or alterations have been required in, or incorporated into, the Approval for the project. These changes or alterations mitigate to a less-than-significant level or avoid the potentially significant environmental effects of the project as identified in the Tiered Initial Study. No significant effects would occur beyond those effects previously identified and adequately analyzed in the 1994 LRDP EIR, as updated and revised.
2. There is no substantial evidence in the record as a whole that the project as proposed and mitigated may have a significant effect on the environment that was not previously identified and adequately analyzed in the 1994 LRDP EIR as updated and revised.

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, relevant 1994 LRDP EIR mitigation measures, project-specific mitigation measures, and the project-specific monitoring program identified in the project's Tiered Initial Study.
- C. Adopts the Findings in their entirety as set forth in Section II, above.
- D. Approves the design of the Sciences Laboratory and Lecture Hall, Davis campus.