

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT
REGARDING THE MITIGATED NEGATIVE DECLARATION FOR THE
FALLING LEAVES FOUNDATION MEDICAL INNOVATION BUILDING PROJECT,
IRVINE CAMPUS
State Clearinghouse No. 2022010474**

I. ADOPTION OF MITIGATED NEGATIVE DECLARATION

The University of California Board of Regents (“Regents”) hereby adopts the Mitigated Negative Declaration (“MND”) and the Tiered Initial Study (IS) prepared for the Falling Leaves Foundation Medical Innovation Building (“Project”). In accordance with California Environmental Quality Act (“CEQA”) Guidelines § 15074, the University, as lead agency for the Project, finds that:

- (1) The Falling Leaves Foundation Medical Innovation Building IS/MND, together with all comments received during the public review process, and responses to these comments, have been considered by the Regents;
- (2) Based on the whole record before the Regents, there is no substantial evidence that the Project will have a significant effect on the environment;
- (3) The Falling Leaves Foundation Medical Innovation Building IS/MND reflects the Regent’s independent judgment and analysis.

The University further certifies that this Falling Leaves Foundation Medical Innovation Building IS/MND properly tiers from the 2007 UCI LRDP EIR, pursuant to Public Resources Code §§ 21080.09 and 21094 and CEQA Guidelines §§ 15081.5(b)(2) and 15152, and complies with all relevant requirements for tiered CEQA documents. The 2007 UCI LRDP EIR analyzed long-range development on the UCI campus, and the Project is consistent with and fits within the scope of development considered in the 2007 UCI LRDP EIR. The IS/MND incorporates by reference the information, analysis and conclusions contained in the 2007 UCI LRDP EIR, and considers all additional, relevant information that has become available since the University’s certification of the 2007 UCI LRDP EIR. The Falling Leaves Foundation Medical Innovation Building IS/MND examines the project-specific impacts of the Project, including all impacts that were not examined in the 2007 UCI LRDP EIR and that are either less than significant, or are significant but can be mitigated to less than significant by the choice of specific revisions in the Project, by the imposition of feasible mitigation measures or Project conditions, or other means. The 2007 UCI LRDP EIR, from which this IS/MND is tiered, is available for review online at <https://cpep.uci.edu/> or in person at UCI Campus Physical and Environmental Planning, 4199 Campus Drive, Suite 380, Irvine, California 92697 by calling 949-824-8692.

The documents and other materials that constitute the record of proceedings on which the Project findings are based are located at UCI Campus Physical and Environmental Planning, 4199 Campus Drive, Suite 380, Irvine, California 92697. The custodian for these documents is the UCI Campus Physical and Environmental Planning, 4199 Campus Drive, Suite 380, Irvine,

California 92697. This information is provided in compliance with CEQA Guidelines § 15074(d).

In connection with the adoption of the IS/MND and approval of the Project, the Regents also adopts the attached Mitigation Monitoring and Reporting Program (“MMRP”), which details changes that have either been required in the Project or made a Project condition of approval to mitigate or avoid significant environmental effects.

II. PROJECT BACKGROUND AND FINDINGS

A. PROJECT DESCRIPTION SUMMARY

The proposed Falling Leaves Foundation Medical Innovation Building project would demolish portions of the existing surface parking Lots 82 and 83 and a segment of Heath Sciences Road that bisects the project site to construct an approximately 250,000-gross-square-foot (GSF) facility within the UCI West Campus to support collaborative, interdisciplinary, and innovative research in medicine and other health sciences disciplines. Proposed uses to be constructed within the new facility include academic, laboratory, research, administrative, and support space. An existing segment of Heath Sciences Road currently bisects the project site. As part of the proposed project, the roadway segment would be realigned around the eastern boundary of the project site. Other site improvements would include an arrival court, terraces, native garden, patient drop-off area, 24-hour lighting, and ornamental landscaping.

B. TIERING AND ENVIRONMENTAL REVIEW PROCESS

The University prepared a Tiered Initial Study for the Project in accordance with CEQA (Public Resources Code § 21000 et seq.), the CEQA Guidelines and the University of California Procedures for the Implementation of CEQA. The University Hills Area 12 & LRDP Amendment #4 IS/MND, in accordance with CEQA Guidelines § 15152, is tiered from the 2007 UCI LRDP EIR (SCH# 2006071024).

As a tiered document, the Tiered Initial Study for the Project relied on the 2007 UCI LRDP EIR for: (1) a discussion of general background and setting information for environmental topic areas; (2) issues that were evaluated in sufficient detail in the 2007 UCI LRDP EIR and do not require additional analysis; (3) issues related to growth on the campus as a whole; and (4) cumulative impacts. The Project is consistent with the 2007 UCI LRDP and with the development assumptions of the 2007 UCI LRDP EIR, and tiering is thus proper under Public Resources Code §§ 21080.09 and 21094 and CEQA Guidelines §§ 15081.5(b)(2) and 15152. The 2007 UCI LRDP EIR is available for review online at <https://cpep.uci.edu/> or in person at UCI Campus Physical and Environmental Planning, 4199 Campus Drive, Suite 380, Irvine, California 92697 by calling (949) 824-8692. These findings incorporate by reference in their entirety the text of the Tiered Initial Study prepared for the Project.

The purpose of the Tiered Initial Study was to evaluate the Project’s potential environmental effects with respect to the existing analysis in the 2007 UCI LRDP EIR in order to determine

what level of initial environmental review, if any, would be appropriate. The Tiered Initial Study analyzes the potential environmental effects of implementation of the Project with regard to the following environmental topic areas: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Based on the analysis in the Tiered Initial Study, it was determined that, for all resource areas, the Project would not result in any significant environmental effects that cannot be mitigated to less than significant levels. The new environmental effects not examined in the 2007 LRDP EIR were identified and were found to be potentially significant, but the new potentially significant effect can be mitigated to a less than significant level with implementation of LRDP EIR mitigation measures and new project-specific mitigation. New environmental effects include tribal cultural resources. Based on this analysis, the campus prepared a MND.

The key milestones associated with preparation of the MND are set forth and described below:

The Draft IS/MND was submitted to the Office of Planning and Research's State Clearinghouse and circulated for a 30-day public review period beginning on January 26, 2022 through February 24, 2022 (SCH# 2022010474). The Notice of Intent to Adopt was sent to various federal, State, and local agencies, as well as interested individuals and organizations; published on the UCI Campus Physical & Environmental Planning website; and was published in the Orange County Register on January 26, 2022. Comment letters were received from the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes dated February 1, 2022, City of Irvine dated February 10, 2022, CARE CA dated February 15, 2022, and Irvine Ranch Water District dated February 22, 2022. The Juaneno Band of Mission Indians, Acjachemen Nation-Belardes requested minor alterations to LRDP EIR mitigation measure Cul-1C (now CR-1) consistent with project-specific mitigation measure TCR-1. The City of Irvine requested additional information regarding campus buildout capacity and LRDP assumptions, an LOS analysis, an access analysis, changes to the VMT methodology, and minor text changes in the IS/MND and traffic study appendix. CARE CA initiated a public records request related to CEQA documentation and noticing. The Irvine Ranch Water District requested consultation regarding connection of water-related services and requested the Sub Area Master Plan. None of the comments received identified a new significant impact not previously analyzed in the Draft Initial Study/Mitigated Negative Declaration. No significant changes or amendments to the Initial Study/Mitigated Negative Declaration resulted from public comments and recirculation of the document was not warranted. All comments received and the University's subsequent responses are included in the Final IS/MND. The Final IS/MND was posted to the Campus Physical and Environmental Planning website and responses to comments were sent via e-mail on March 2, 2022.

C. RELATION OF THE PROJECT TO THE 2007 UCI LRDP EIR

The Project is consistent with the 2007 UCI LRDP. The 2007 LRDP EIR identified the significant environmental effects resulting from implementation of the development identified in the 2007 UCI LRDP and included feasible mitigation measures to reduce and avoid these effects. Despite the adoption of all feasible mitigation measures by The Regents, some LRDP impacts remained significant. The Project would not contribute to any of the significant and unavoidable impacts identified in the 2007 UCI LRDP EIR, including cumulative impacts, nor would it result in new significant and unavoidable impacts. All mitigation measures in the 2007 UCI LRDP EIR that are relevant to the Project, as identified in the Falling Leaves Foundation Medical Innovation Building IS/MND, as well as all Project-specific mitigation measures, are included in the MMRP and incorporated into the Project.

None of the conditions described in CEQA or the CEQA Guidelines requiring the preparation of a subsequent or supplemental EIR have occurred and the Tiered Initial Study does not identify substantial changes, changed circumstances or new information of substantial importance which was not known and could not have been known at the time the 2007 UCI LRDP EIR was certified showing that the Project would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

D. FINDINGS

1. Project-Specific Impacts

The following discussion addresses the new impact identified in the Tiered Initial Study and the associated project-specific mitigation measure.

Tribal Cultural Resources

In accordance with AB 52, notification letters were mailed to the Gabrieleno Band of Mission Indians – Kizh Nation and Juaneno Band of Mission Indians – Acjachemen Nation on January 4, 2022. On February 1, 2022, the Juaneno Band of Mission Indians – Kizh Nation initiated consultation and requested that an affiliated Native American monitor be on-site during ground disturbance activities. UCI has agreed with the request and would have a Native American monitor on-site alongside an archeological/paleontological monitor during earthmoving activities for the project.

The following project-specific mitigation measure would reduce potentially significant tribal cultural resources impacts, in addition to LRDP EIR mitigation measure Cul-1C and Cul-4a, to less than significant:

MM TCR-1: If subsurface deposits believed to be cultural or human in origin, or tribal cultural resources, are discovered during construction all work shall halt within a 50-foot radius of the discovery, the Construction Manager shall immediately notify UCI Physical

and Environmental Planning. The Construction Manager shall also immediately coordinate with the tribal monitor and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology and subject to approval by UCI to evaluate the significance of the find and develop appropriate management recommendations. All management recommendations shall be provided to UCI in writing for UCI's review and approval. If recommended by the qualified professional and consulting tribes, and approved by UCI, this may include modification of the no-work radius.

The professional archaeologist must make a determination, based on professional judgement and supported by substantial evidence, within one business day of being notified, as to whether or not the find represents a cultural resource or has the potential to be a tribal cultural resource. The subsequent actions will be determined by the type of discovery, as described below. These include: 1) a work pause that, upon further investigation, is not actually a discovery and the work pause was simply needed in order to allow for closer examination of soil (a "false alarm"); 2) a work pause and subsequent action for discoveries that are clearly not related to tribal cultural resources, such as can and bottle dumps, artifacts of European origin, and remnants of built environment features; and 3) a work pause and subsequent action for discoveries that are likely related to tribal cultural resources, such as midden soil, bedrock mortars, groundstone, or other similar expressions.

Whenever there is question as to whether or not the discovery represents a tribal resource, culturally affiliated tribes shall be consulted in making the determination. The following processes shall apply, depending on the nature of the find, subject to the review and approval of UCI:

- **Response to False Alarms:** If the professional archaeologist in consultation with the tribal representative determines that the find is negative for any cultural indicators, then work may resume immediately upon notice to proceed from UCI's representative. No further notifications or tribal consultation is necessary, because the discovery is not a cultural resource of any kind. The professional archaeologist shall provide written documentation of this finding to UCI.
- **Response to Non-Tribal Discoveries:** If at the time of discovery a professional archaeologist and tribal representative determines that the find represents a non-tribal cultural resource from any time period or cultural affiliation, UCI shall be notified immediately, to consult on a finding of eligibility and implementation of appropriate treatment measures.
- **Response to Tribal Discoveries:** If the find represents a tribal or potentially tribal cultural resource that does not include human remains, the tribe and UCI shall be notified. UCI will consult with the tribe on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be either a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA

Guidelines, or a Tribal Cultural Resource, as defined in Section 21074 of the Public Resources Code. Preservation in place is the preferred treatment, if feasible. Work shall not resume within a 50-foot radius until UCI, through consultation as appropriate, determines that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) not a Tribal Cultural Resource, as defined in Section 21074 of the Public Resources Code; or 3) that the treatment measures have been completed to its satisfaction.

- **Response to Human Remains:** If the find includes human remains, or remains that are potentially human, the construction supervisor or on-site archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641) and shall notify UCI and the Orange County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California Public Resources Code, and Assembly Bill 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. Public Resources Code § 5097.94 provides structure for mediation through the NAHC if necessary. If no agreement is reached, UCI shall rebury the remains in a respectful manner where they will not be further disturbed (§ 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the Orange County Clerk's Office (AB 2641). Work shall not resume within the no-work radius until UCI, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction.

III. APPROVAL

The University of California Regents hereby takes the following actions:

- 1) The Regents adopts the Falling Leaves Foundation Medical Innovation Building IS/MND.
- 2) The Regents adopts as conditions of approval of the Project all mitigation measures within the responsibility and jurisdiction of the University.
- 3) The Regents adopts the Mitigation Monitoring and Reporting Program for the Project.
- 4) The Regents adopts these Findings in their entirety, as set forth herein.

- 5) Having adopted the IS/MND, the Mitigation Monitoring and Reporting Program, and the foregoing Findings, the University approves the design and construction of the Falling Leaves Foundation Medical Innovation Building Project. The Regents directs staff to prepare and file a Notice of Determination for the Project.