

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF THE KRESGE COLLEGE RENEWAL AND EXPANSION PROJECT, SANTA CRUZ CAMPUS

I. BACKGROUND

A. PROJECT DESCRIPTION AND OBJECTIVES

The Kresge College Renewal and Expansion Project (“Project”) will renovate the existing Kresge College to meet contemporary student needs while adding new buildings for student housing and academic space. The Project demolish nine of the 22 existing buildings that make up Kresge College; construct a cluster of new residential buildings with a total of 46,000 assignable square feet (asf), a 25,000-asf academic building with a large lecture hall and related classroom and academic department space, and a 2,800-asf multi-purpose assembly space; and renovate or reconstruct all remaining existing buildings. The project also includes new utilities, site infrastructure including accessibility improvements, and parking.

The objectives of the Kresge College Renewal and Expansion Project are as follows:

- Provide new academic space in a single facility to help address the campus’s enrollment increases experienced over the last three years
- Provide a new general assignment lecture hall to address the need for large classrooms
- Create better connection from the Kresge College site to the core academic buildings of the campus by clustering academic functions at the north end of the site, thereby increasing the flexibility for class scheduling, and reducing time for students to travel in between class times
- Provide 175-225 additional student beds at Kresge College to provide a number of beds commensurate with that in other colleges and provide beds for all first year students (400) in residential halls
- Provide additional space for Student Support programs that serve the entire campus
- Consolidate and zone Kresge College program functions, including academic, residential, and student support, in order to enhance efficiency and functionality and address needs for privacy
- Keep future student housing rate increases to a minimum and steward academic financial resources efficiently
- Create functional outdoor gathering spaces at a variety of scales at Kresge College for academic, residential and student support communities while reinforcing access to the surrounding natural environment
- Bring Kresge College interior and exterior areas into compliance with current code, including accessibility requirements, and renew deteriorating architecture and infrastructure with high environmental and energy performance criteria
- Retain and enhance the essence of the initial design and concept to ensure long-term viability for the Kresge College complex

- Locate all new program elements, including instruction and research, residential and college life, student support, and outdoor gathering spaces, within the Kresge project site boundary
 - Maintain essential academic, college, and student support functions throughout construction, which will require phasing to minimize decant space to temporary facilities
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B. ENVIRONMENTAL REVIEW PROCESS

1. Preparation of the EIR

On April 4, 2018, the University released a Notice of Preparation (NOP) announcing the preparation of a Draft EIR which described the proposed Project and the scope of the Draft EIR. An informational open house and scoping meeting was held at the Kresge Town Hall on the UC Santa Cruz campus on April 17, 2018.

The University issued a Draft EIR for the Project on November 15, 2018, and circulated it for public review and comment for a 53-day period ending on January 7, 2019. Three comment letters were received from public agencies, one comment letter was received from an organization, six comment letters were received from the public, and two members of the public provided comments orally at the November 28 and November 29, 2018 public meeting on the draft EIR.

The Final EIR contains the comment letters received during the public comment period as well as the transcripts of the oral comments provided at the public meetings on the Draft EIR. The Final EIR also contains responses to those comments, which the University prepared in accordance with CEQA and the CEQA Guidelines.

2. Tiering from the 2005 LRDP EIR

On August 15, 2008, the University entered into a Comprehensive Settlement Agreement (Settlement Agreement) with the City of Santa Cruz, the County of Santa Cruz, two community associations, and 11 individuals to resolve litigation with respect to The Regents' approval of the 2005 Long Range Development Plan (LRDP). As part of the Settlement Agreement, the University agreed not to tier from or otherwise rely on the analysis of water supply and off-campus housing presented in the 2005 LRDP EIR. In compliance with the court order,¹ the University has completed a new analysis of the impacts of campus growth under the 2005 LRDP on water supply, and population and housing. That supplemental analysis is included in this Draft EIR.

In addition, the analysis of greenhouse gas emissions in the Project EIR is not tiered from the 2005 LRDP EIR. As the LRDP EIR 2005 LRDP EIR predates Assembly Bill (AB) 32, which

¹ The certification of the 2005 LRDP Final EIR was challenged in 2007 by several entities, including the City of Santa Cruz. A ruling by the Santa Cruz County Superior Court in *City of Santa Cruz et. al. v. Regents of the University of California et. al.* (CV155571, consolidated with Case No. CV155583) concluded that additional analyses relating to water supply and housing were required.

initiated the practice of evaluating a project's climate impacts from greenhouse gas emissions, the 2005 LRDP EIR did not evaluate such impacts. The Kresge College Renewal and Expansion Project EIR contains a stand-alone analysis of the Project's greenhouse gas emissions.

II. FINDINGS

Having received, reviewed, and considered the Final EIR and other information in the administrative record, The Regents hereby adopts the following Findings and Statement of Overriding Considerations for the Kresge College Renewal and Expansion Project in compliance with CEQA and the CEQA Guidelines. The Regents adopts these Findings and Statement of Overriding Considerations in conjunction with its approval of the Project, as set forth in Section III, below.

A. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The University of California (“University”), as the lead agency pursuant to the California Environmental Quality Act (“CEQA”), has prepared a Final Environmental Impact Report (“Final EIR”) for the Kresge College Renewal and Expansion Project (“Project”). This Project will be developed at the Kresge Campus of the University of California, Santa Cruz. The Board of Regents (“The Regents”) hereby issues these Findings and concurrently approves the Project.

The Final EIR has been assigned State Clearinghouse Number 2018042015. The Final EIR consists of the Draft EIR (incorporated by reference in accordance with State CEQA Guidelines Section 15150), and the Final EIR document which contains (1) an Executive Summary, (2) an Introduction, (3) Response to Comments on the Draft EIR, (4) Corrections and Additions to the Draft EIR, and (5) a Mitigation Monitoring and Reporting Program (MMRP) that outlines the substance and timing of mitigation measures required for the Project.

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15090, The Regents certifies:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to The Regents, and that The Regents reviewed and considered the information contained in the Final EIR prior to approving the Kresge College Expansion and Renovation Project; and
- (3) The Final EIR reflects The Regents’ independent judgment and analysis.

The Regents certifies that this Final EIR properly tiers from the 2005 LRDP EIR (State Clearinghouse No. 2005012113), pursuant to Public Resources Code sections 21068.5 and 21093 and CEQA Guidelines sections 15152 and 15385, and complies with all relevant requirements for tiered CEQA documents.² The 2005 LRDP EIR analyzed long-range development on the Santa Cruz campus, and the Kresge College Renewal and Expansion Project is consistent with and fits within the scope of development considered in the 2005 LRDP EIR. The Final EIR certified here considers all additional, relevant information that has become available since the University’s certification of the 2005 LRDP EIR; examines the project-specific impacts of the Kresge College Renewal and Expansion Project including all impacts that either were not examined as significant impacts in the 2005 LRDP EIR or are susceptible to substantial reduction or avoidance; and imposes all feasible and applicable mitigation measures to reduce potentially significant environmental impacts. The 2005 LRDP EIR, from which this Final EIR is tiered, is available for

² The following Kresge College Renewal and Expansion EIR sections completed a new analysis and did not tier off the 2005 LRDP: water supply, population and housing, greenhouse gas emissions and climate change.

review McHenry Library on Steinhart Road on the UC Santa Cruz main campus, the Downtown Branch of the Santa Cruz Public Libraries at 224 Church Street in Santa Cruz, and online at <https://lrtp.ucsc.edu/final-eir.shtml>.

B. FINDING ON RESPONSES TO COMMENTS ON THE DRAFT EIR AND REVISIONS TO THE DRAFT EIR

Section 3 of the Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines section 15088(b). The Regents has reviewed the comments received and the responses thereto and finds that the Final EIR provides adequate, good faith, and reasoned responses to those comments. The Regents finds that responses to comments made on the Draft EIR and revisions to the Draft EIR merely clarify and amplify the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines Section 15088.5(b).

C. DIFFERENCES OF OPINION REGARDING THE PROJECT'S IMPACTS

In making its determination to certify the Final EIR and to approve the Project, The Regents recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to these issues. Through its review of the Final EIR, the comments received on the Draft EIR, and the responses to comments, The Regents has acquired a comprehensive understanding of the scope of such technical and scientific opinion. This has enabled The Regents to make fully informed and thoroughly considered decisions after taking into account the various viewpoints on the important environmental issues involved in the Project's implementation. Considering the evidence and analysis presented in the Final EIR as a whole, The Regents finds that the Findings herein are based on a full appraisal of all viewpoints expressed throughout the CEQA review process, as well as other relevant information contained in the administrative record.

D. IMPACTS AND MITIGATION MEASURES

As required by CEQA and the CEQA Guidelines, the following section summarizes the environmental impacts of the Project identified in the Final EIR and includes The Regents' Findings regarding those impacts and any mitigation measures set forth in the Final EIR, adopted by The Regents, and incorporated as requirements of the Project. Concurrent with the adoption of these Findings, The Regents adopts the Mitigation Monitoring and Reporting Program. These Findings summarize the determinations of the Final EIR with respect to the Project's impacts before and after mitigation and do not attempt to describe the full analysis of each environmental impact considered in the Final EIR. Instead, the Findings provide a summary description of each impact, describe the applicable mitigation measures identified in the Final EIR and adopted by The Regents, and state The Regents' Findings regarding the significance of each impact with the adopted

mitigation measures. The Draft EIR contains a full explanation of each impact, mitigation measure, and the analysis that led the University to its conclusions on those impacts. These Findings hereby incorporate by reference the discussion and analysis in the Draft EIR, which supports the Final EIR's determinations regarding the Project's environmental impacts and mitigation measures. In making these Findings, The Regents ratifies, adopts, and incorporates by reference the Draft EIR and Final EIR's analysis, determinations, and conclusions relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these Findings.

In adopting the mitigation measures described below, The Regents intends to adopt each of the mitigation measures recommended in the Draft EIR and Final EIR. Accordingly, in the event that a mitigation measure recommended in the Final EIR has been inadvertently omitted from these Findings, that mitigation measure is hereby adopted and incorporated by reference in the Findings. Additionally, in the event that the description of mitigation measures set forth below fails accurately to capture the substance of a given mitigation measure due to a clerical error (as distinct from specific and express modification by The Regents through these Findings), the language of the mitigation measure as set forth in the Final EIR shall govern.

With respect to mitigation measures that were suggested in comments by the public or other public agencies but not included in the Final EIR, the responses to comments explain that the suggested mitigation measures either are already part of the Kresge College Renewal and Expansion Project and associated CEQA documentation or are infeasible or ineffectual and thus not recommended for adoption for the reasons outlined in the responses to comments. The Regents hereby adopts and incorporates by reference the reasons stated in the responses to comments as the basis for finding these suggested mitigation measures not necessary or appropriate for inclusion as Project requirements.

1. Findings on Issue Areas with No Impacts as a Result of the Project

Based on the issue area assessment in the Final EIR, The Regents has determined that the Project will have no impact or less than significant impacts for the issues listed below. The rationale for the conclusion that no significant impact would occur in each of these issue areas is based on the discussion of these impacts in the detailed issue area analyses in Section 4.18 of the Draft EIR that were found to have no impact or less than significant impacts.

- *Agricultural resources (see Draft EIR page 4.18-1)*
- *Air quality (carbon monoxide; see Draft EIR page 4.18-1)*
- *Biological resources (federally protected wetlands, conflicts with local policies, and habitat conservation plan; see Draft EIR page 4.18-2)*
- *Geology and soils (rupture of a known earthquake fault, soils incapable of adequately supporting a wastewater disposal system; see Draft EIR page 4.18-2)*
- *Hazards and hazardous materials (hazards within one-quarter mile of an existing school, hazard materials on the project site; see Draft EIR page 4.18-3)*
- *Land use and planning (habitat conservation plans; see Draft EIR page 4.18-3)*
- *Mineral resources (see Draft EIR page 4.18-3)*

- *Recreation (see Draft EIR page 4.18-4).*
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2. Findings on Less Than Significant Impacts

Based on the issue area assessment in the EIR, The Regents has determined that the Project will have less than significant impacts for the issues listed below. The rationale for the conclusion that no significant impact would occur in each of these issue areas is based on the discussion of these impacts in the detailed issue area analyses in Sections 4.1 through 4.18 of the Draft EIR and the cumulative impacts discussed in Section 4.1 through 4.18 of the Draft EIR that were found to have no impact or less than significant impacts.

- *Aesthetics (scenic vistas, scenic resources, light and glare, cumulative development; see Draft EIR pages 4.1-17 through 4.1-30; Impacts AES-1, AES-2, AES-4, and AES-5)*
- *Agriculture and forestry resources (forest land, cumulative development; see Draft EIR pages 4.2-8 through 4.2-11; Impacts AFR-1 and AFR-2)*
- *Air quality (implementation of the local air quality plan, violation of air quality standards, exceedance of Monterey Bay Air District thresholds, siting of sensitive receptors, objectionable odors, cumulative development; see Draft EIR pages 4.3-11 through 4.3-21; Impacts AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, and AQ-6)*
- *Biological resources (riparian habitat, sensitive communities, wildlife movement, cumulative development; see Draft EIR pages 4.4-14 through 4.4-19; Impacts BIO-2 and BIO-3)*
- *Climate change and greenhouse gas emissions (construction and operational emissions, conflict with state and local greenhouse gas reduction goals, cumulative impacts; see Draft EIR pages 4.5-18 through 4.5-23; Impacts GHG-1, GHG-2, and GHG-3)*
- *Cultural resources (archaeological resources, paleontological resources, human remains, cumulative impacts; see Draft EIR pages 4.6-24 through 4.6-27; Impacts CUL-2, CUL-3, CUL-4, and CUL-6)*
- *Energy (wasteful and inefficient use of energy, new or expanded energy and natural gas facilities, cumulative development; see Draft EIR pages 4.7-15 through 4.7-21; Impacts E-1, E-2, and E-3)*
- *Geology and soils (seismic ground shaking, liquefaction, soil erosion and runoff, unstable soils, expansive soils, cumulative development; see Draft EIR pages 4.8-8 through 4.8-12; Impacts GEO-1, GEO-2, GEO-3, GEO-4, GEO-5, and GEO-6)*
- *Hazards and hazardous materials (routine transport, use or disposal of hazardous materials, hazardous materials spills, lead and/or asbestos, emergency response plans, wildland fire, cumulative development; see Draft EIR pages 4.9-12 through 4.9-17; Impacts HAZ-1, HAZ-2, HAZ-3, HAZ-4, HAZ-5, and HAZ-6)*
- *Hydrology and water quality (water quality, groundwater infiltration, drainage, and cumulative development; see Draft EIR pages 4.10-12 through 4.10-18; Impacts HWQ-1, HWQ-2, HWQ-3, and HWQ-5)*
- *Land use (conflict with the UC Santa Cruz LRDP, incompatible land uses, cumulative development; see Draft EIR pages 4.11-7 through 4.11-13; Impacts LU-1, LU-2, and LU-3)*

- *Noise (interior noise levels, vibration, traffic noise, operational noise levels, cumulative development; see Draft EIR pages 4.12-10 through 4.12-16; Impacts N-2, N-3, N-4, N-5, N-6, and N-7)*
- *Population and housing (unanticipated population growth, housing displacement, cumulative development; see Draft EIR pages 4.13-5 through 4.13-9; Impacts PH-1, PH-2, and PH-3)*
- *Public services (fire protection facilities cumulative development; see Draft EIR pages 4.14-9 through 4.13-10; Impacts PS-1 and PS-2)*
- *Transportation and traffic (level of service, safety hazards, adopted policies and plans, cumulative development; see Draft EIR pages 4.15-15 through 4.15-25; Impacts T-1, T-2, T-4, and T-5)*
- *Utilities and service systems (water treatment facilities, wastewater generation, stormwater drainage, water demand, solid waste, cumulative development; see Draft EIR pages 4.17-13 through 4.17-20; Impacts UTIL-1, UTIL-2, UTIL-3, UTIL-4, UTIL-5, UTIL-6, and UTIL-7).*

3. **Findings on Potentially Significant Impacts that Can Be Reduced to Less than Significant Impacts through the Incorporation of Mitigation Measures**

The Regents finds that the following environmental impacts can and will be mitigated to below a level of significance based upon the implementation of the mitigation measures in the EIR. These findings are based on the discussion of impacts in the detailed issue area analyses in Sections 4.4, 4.15, and 4.16 of the Draft EIR and the cumulative impacts discussed in Sections 4.4 and 4.16 of the Draft EIR. An explanation of the rationale for each finding is presented below.

i. Biological Resources

Impact BIO-1: Biological Resources Special Status Species Impacts: The Project could result in direct and/or indirect impacts to listed special status species and cumulative impacts to special status species. (Draft EIR pages 4.4-14 through 4.4-19).

Mitigation Measure BIO-1(a): Prior to any ground disturbing activities, a qualified biologist shall conduct a training session (Worker Environmental Awareness Program) for all construction personnel. At a minimum, the training shall include a description of California red-legged frog and other special-status species with the potential to occur on-site, their habitat, the importance of the species, the measures being implemented to avoid and minimize impacts as they relate to the project, and the boundaries within which the work may be accomplished. (Draft EIR page 4.4-16)

Mitigation Measure BIO-1(b): To avoid impacts to California Red-legged Frog the following impact shall be implemented:

1. A qualified biological monitor shall be present during all initial vegetation clearing and ground disturbance. If a rain event (over 0.25 inch) occurs, the biologist shall inspect the site again prior to resuming work.
2. To prevent the inadvertent entrapment of individuals, all excavated, steep-walled holes or trenches shall be covered at the end of each workday with plywood or

similar materials. If this is not possible, one or more escape ramps constructed of earth fill or wooden planks (no greater 45 degrees) shall be established in the hole. Before such holes or trenches are filled, they shall be thoroughly inspected for any animals.

3. All food trash from project personnel shall be placed in containers with secure lids before the end of work each day to reduce the likelihood of attracting predators to the project site. If containers meeting these criteria are not available, all food trash shall be removed from the project site at the end of each workday. (Draft EIR page 4.4-16)

FINDING: The Regents finds that the Project may have an indirect or direct impact from construction on candidate, sensitive, or special status species before implementation of Project specific mitigation measures (Draft EIR pages 4.4-14 through 4.4-17). Mitigation Measures BIO-1(a) and Mitigation Measure BIO-1(b) are hereby adopted and incorporated into the Project. The Regents finds that implementation of Mitigation Measures BIO-1(a) and BIO-1(b) will reduce this potentially significant impact to a less than significant impact and that the Project will not, therefore, significantly affect special status species.

Rationale for Finding: The Project site does not contain suitable breeding or non-breeding aquatic habitat for California red-legged frog. Mitigation Measures BIO-1(a) and Mitigation Measure BIO-1(b) identify awareness and avoidance measures which that would be implemented during project construction, which are consistent with the advice of US Fish and Wildlife Service. These measures will ensure that construction is conducted in a manner that will avoid harm to individual California red-legged frog and therefore will not result in a significant adverse impact to the species.

ii. Transportation/Traffic

Impact T-3: Transportation Construction Traffic Impacts: The Project could temporarily impact traffic conditions along roadways serving the project site, including emergency vehicle access (Draft EIR pages 4.15-18 through 4.15-23).

Mitigation Measure T-3: The University shall prepare and implement a Construction Traffic Management Plan that will include, but will not necessarily be limited to, the following elements:

- *Identify proposed truck routes to be used*
- *Specify construction hours, including limits on the number of truck trips during the AM and PM peak traffic periods (7:00 – 9:00 AM and 4:00 – 6:00 PM), if conditions demonstrate the need*
- *Include a parking management plan for ensuring that construction worker parking results in minimal disruption to surrounding uses*
- *Include a public information and signage plan to inform student, faculty and staff of the planned construction activities, roadway changes/closures, and parking changes*
- *Store construction materials only in designated areas that minimize impacts to nearby roadways*

- *Limit the number of lane closures during peak hours to the extent possible. At no time should more than one lane on any roadway be closed. Inform the Campus at least two weeks before any partial road closure*
- *Use California Department of Transportation (Caltrans) certified flag persons for any temporary lane closures to minimize impacts to traffic flow, and to ensure safe access into and out of the project sites*
- *Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones*
- *When a pedestrian/bicycle path is to be closed, detour signs should be installed to clearly designate an alternative route. Temporary fencing or other indicators of pedestrian and bicycle hazards will be provided*
- *To minimize disruption of emergency vehicle access, affected jurisdictions (Campus Police, City Police, County Sheriff, and City Fire Department) will be consulted to identify detours for emergency vehicles, which will then be posted by the construction contractor*
- *Ensure that access to fire hydrants remains available at all times*
- *Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary*
- *Coordinate with other projects under construction in the immediate vicinity, so an integrated approach to construction-related traffic is developed and implemented (Draft EIR pages 4.15-22 through 4.15-23)*

FINDING: The Regents finds that construction of the Project will result in an increase in traffic along roadways serving the project site, including access for emergency vehicles (Draft EIR pages 4.15-18 through 4.15-23). Mitigation Measure T-3 is hereby adopted and incorporated into the Project. The Regents finds that implementation of Mitigation Measure T-3 will reduce this potentially significant impact to a less than significant level and that the Project will not, therefore, significantly impact traffic during project construction and emergency vehicle access.

Rationale for Finding: Under Mitigation Measure T-3 the construction contractor would be required to develop and implement a plan to manage the movement of construction vehicles in a safe and effective manner, taking into account all aspects of construction that could result in disruption of vehicle and pedestrian safety, as well as emergency vehicle access. This measure will ensure that construction is conducted in a manner that will avoid traffic impacts on area roadways and therefore will not result in a significant and adverse traffic impact.

iii. Tribal Cultural Resources

Impact TCR-1: Tribal Cultural Resources Impacts: The Project could result in a substantial adverse change in the significance of an unknown tribal cultural resource or cumulative impacts to a tribal cultural resource (Draft EIR pages 4.16-4 through 4.16-6)

Mitigation Measure TCR-1: In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance

of the find and an appropriate Native American representative is consulted, based on the nature of the find. If UC Santa Cruz determines the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with affected Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative. Appropriate treatment depends on the nature of the potential tribal cultural resource and may include, but would not be limited to capping, interpretive signage, or access provisions for local Native American tribes. (Draft EIR pages 4.16-4 through 4.16-5)

FINDING: The Regents finds that construction of the Project could result in potential impacts to undiscovered tribal cultural resources and cumulative impacts to undiscovered tribal cultural resources before implementation of mitigation (Draft EIR pages 4.16-4 through 4.16-6). Mitigation Measures TCR-1 is hereby adopted and incorporated into the Project. The Regents finds that implementation of Mitigation Measure TCR-1 will reduce this potentially significant impact to a less than significant impact and that the Project will not, therefore, significantly impact tribal cultural resources.

Rationale for Finding: Under Mitigation Measure TCR-1 a qualified archaeologist would be required to evaluate any cultural resources of Native American origin that are identified during project construction and consult with the appropriate Native American representative to prepare and implement a mitigation plan, if necessary. This measure will ensure that any unidentified cultural resources of Native American origin will be properly evaluated, documented, and preserved and therefore will not result in a significant and adverse impact to tribal cultural resources.

4. **Findings on Significant Environmental Impacts That Cannot Be Avoided or Reduced to a Less than Significant Level**

Based on the issue area assessment in the EIR, The Regents has determined that the Project will have significant impacts in the resource areas discussed below, and that these impacts cannot be avoided or reduced despite the incorporation of all feasible mitigation measures. These findings are based on the discussion of impacts in the detailed issue area analyses in Sections 4.1, 4.6, and 4.12 of the Draft EIR. For each significant and unavoidable impact identified below, The Regents has made a finding(s) pursuant to Public Resources Code section 21081. An explanation of the rationale for each finding is also presented below.

i. Aesthetic Impacts – Direct Impacts

Impact AES-3 Visual Character: The Project will substantially alter the visual character of Kresge College and degrade its high level of visual quality, primarily by the demolition of historic buildings with unique architecture and the construction of new buildings that do not conform to the site's original design. (Draft EIR pages 4.1-18 through 4.1-29)

Mitigation: Mitigation measures are not available to eliminate or minimize the Project's material impairment on the aesthetic character of Kresge College. (Draft EIR page 4.1-29)

FINDING: The Regents find that specific economic, legal, social, technological, or other considerations make mitigation measures or project alternatives identified in the Final EIR infeasible to reduce Impact AES-3 to a less than significant level. Therefore, the impact cannot be further reduced.

Rationale for Finding: The Regents finds that the Project will result in a substantial visual change to the architecture and design of Kresge College. The demolition of eight of 19 buildings that contribute to the Kresge College Historic District will result in the loss of a substantial portion of the original campus designed by the master architects Charles Moore and William Turnbull. Construction of the RNEW buildings will reduce the size of the open space area currently known as the Kresge Meadow. Furthermore, RNEW's five-story height above grade with partial basements will be substantially larger in scale than the remaining one- to three-story buildings from the original campus. Although mitigating design features and renovation of existing buildings will partially offset these visual changes, the loss of existing buildings and the introduction of visually incompatible structures will irrevocably alter the unique visual character of Kresge College as envisioned by Charles Moore and William Turnbull. No feasible mitigation measures are available to eliminate or minimize the project's material impairment on the aesthetic character at Kresge College. Therefore, mitigation measures are not available to remedy the adverse visual effects associated with this material impairment, and impacts to visual character of Kresge College will remain significant and unavoidable.

ii. Cultural Resources – Direct, Indirect, and Cumulative Impacts

Impact CUL-1 Historic Resources: The Project will adversely affect the Kresge College Historic District through demolition of contributing buildings, renovation, and new construction. (Draft EIR pages 4.6-15 through 4.6-23)

Mitigation Measure CUL-1(a): A historic preservation professional qualified in accordance with the Secretary of the Interior's Professional Qualification Standards shall be retained by UC Santa Cruz to prepare an on-site and online interpretive program that includes a brief history of the Kresge College Historic District and its significance. The program shall be presented through on-site displays, a website, and/or mobile phone application and include historic photographs, architectural plans and drawings, and other relevant information depicting the architectural and cultural significance of Kresge College. The program shall be completed within one year of project completion with the website and/or mobile phone application overseen by UC Santa Cruz for a period of five years. (Draft EIR page 4.6-23)

Mitigation Measure CUL-1(b): UC Santa Cruz shall digitize photographs, drawings, and plans relating to the early design and development of Kresge College. This will include, but may not be limited to, photographs of Kresge College by Morely Baer, currently on file with the UC Santa Cruz Special Collections and Archives; and original drawings of Kresge College by Dan Kiley on file with the Archival Collections at the Harvard Graduate School of Design. The digitized files shall be made accessible through their inclusion in the UC Santa Cruz Library Digital Collections and the Interpretive Program outlined in Mitigation Measure CUL-1(a). (Draft EIR page 4.6-23)

FINDING: Changes or alterations have been required in, or incorporated into, the project which lessen the significant environmental effect as identified in the Final EIR, but do not reduce impacts to a less than significant level. The Regents finds that specific

economic, legal, social, technological or other considerations make it infeasible to reduce Impact CUL-1 to a less than significant level.

Rationale for Finding: The Regents finds that the Project would result in direct, indirect, and cumulative cultural impacts to the Kresge College Historic District. A number of design features would help to minimize impacts resulting from new construction to the greatest extent possible. However, the Project will involve the demolition of eight of 19 buildings that help to convey the significance of the Kresge College Historic District. While the demolition of individual buildings in and of itself will not necessarily result in a substantial impact, the Historic District derives its significance as a unified entity. It is the collection of these buildings, integrated through their placement and relation to one another, that collectively works together in representing Kresge College's significance for its innovative educational approach and as an early important Postmodern work by Charles Moore and William Turnbull. New construction and building renovations alone will not result in a substantial adverse change in the significance of the Kresge College Historic District; however, they will contribute to direct and indirect impacts to the Historic District. With implementation of Mitigation Measures CUL-1(a) and CUL-1(b), the University will minimize impacts to the greatest extent possible by providing alternative means of conveying the significance of the Historic District, including an on-site and online interpretive program and digitizing files about the history of Kresge College, but these measures will not avoid or minimize the physical impact on historical resources. Demolition by its nature will materially impair historical resources, and no feasible mitigation measures are available to mitigate this permanent impact to a less than significant level. Therefore, this impact will remain significant and unavoidable.

iii. Noise – Direct Impacts

Impact N-1 Construction Noise: The Project will result in a temporary increase of noise levels on the Project site that will exceed applicable construction noise standards at nearby noise-sensitive receptors. (Draft EIR pages 4.12-8 through 4.12-10)

Mitigation: There are no mitigation measures available beyond LRDP Mitigation Measure NOIS-1 that would reduce impacts to a less than significant level. (Draft EIR page 4.12-10)

FINDING: The Regents finds that specific economic, legal, social, technological or other considerations make it infeasible to reduce Impact N-1 to a less than significant level.

Rationale for Finding: The Regents finds that the Project will result in direct noise impacts from construction activities. Construction noise will occur within approximately 50 feet of existing and future sensitive receptors on campus and could potentially exceed applicable standards during daytime hours. Implementation of noise reduction measures will be required pursuant to LRDP Mitigation Measure NOIS-1 to the extent practicable and feasible. This measure requires outfitting equipment with noise-reducing devices (e.g., mufflers), locating staging areas and stationary generators at least 100 feet away from sensitive receptors, scheduling loud construction activities that are within 100 feet of academic buildings on weekends and restricting loud construction activities within 100 feet of residential buildings to the hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday. Mitigation Measure NOIS-1 will reduce the potential impact at most locations to a less than significant level. However, even with the required feasible mitigation, construction in some areas of the Project site could generate noise levels that exceed applicable

standards. No feasible mitigation measures are available to mitigate this impact to a less-than-significant level. Therefore, the impact of construction noise will be significant and unavoidable.

E. FINDINGS ON ALTERNATIVES TO THE KRESGE COLLEGE RENEWAL AND EXPANSION PROJECT

1. Alternatives Screened Out from Detailed Consideration in the EIR

The Regents finds that all of the alternatives eliminated from further consideration in the Draft EIR are infeasible, would not meet most project objectives and/or would not reduce or avoid any of the significant effects of the Project, for the reasons detailed in Section 6 of Draft the EIR.

2. Alternatives Analyzed in the EIR

In compliance with CEQA and the CEQA Guidelines, Chapter 6 of the Draft EIR evaluated a reasonable range of alternatives to the Kresge College Renewal and Expansion Project. The EIR analyzed the feasibility of each alternative, the environmental impacts of each alternative, and each alternative's ability to meet the Project objectives described in Section 2.3 of the Draft EIR. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis included an analysis of a no-project alternative and also identified the environmentally superior alternative.

FINDING: The Regents certifies that it has independently reviewed and considered the information on alternatives provided in the Draft and Final EIR and in the administrative record. For the reasons set forth below, The Regents finds that the alternatives either fail to avoid or substantially lessen the Project's significant impacts (and in some cases increase those significant and unavoidable impacts) or are "infeasible" as that term is defined by CEQA and the CEQA Guidelines.

The Draft EIR evaluated four alternatives to the Project:

- *Alternative 1: No Project*
- *Alternative 2: Renovate, Reuse, and New Construction*
- *Alternative 3: Partial Demolition*
- *Alternative 4: Off-Site Lecture Hall.*

a) *Alternative 1: No Project*

The No Project Alternative assumes that the Project would not be implemented. The Kresge College complex would remain as is, with no building demolition or new construction. Changes to site access or parking would not occur. It is anticipated that standard maintenance and repairs of buildings would continue, but no renovation or major repairs would be implemented, and this alternative would not prevent the continued degradation of existing buildings and historical resources.

The No Project Alternative would avoid all significant impacts of the proposed Project. The three project-level significant and unavoidable impacts (visual character/quality, historic resources, and construction noise) would be eliminated. However, the No Project Alternative would not address ongoing building degradation, which may over time impact the integrity of existing buildings and affect the visual and historic character of those buildings; nor would the No Project Alternative improve seismic safety, ADA accessibility, or energy efficiency at Kresge College. As stated previously, No Project Alternative would not meet any Project objectives.

FINDING: Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), The Regents finds that specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the No Project Alternative infeasible. The Regents therefore rejects this alternative for the reasons listed above.

b) Alternative 2: Renovate, Reuse, and New Construction

The Renovate, Reuse, and New Construction Alternative would renovate and reuse all but three of the existing buildings on the Kresge campus. Annex B, R7, and the Mini Gym would be demolished. Annex B would be replaced with a new, larger, multi-story academic building at the southeastern edge of the site, which is assumed to provide the same number of seats as the lecture hall in the Academic Building (ACAD) that would be constructed under the Project. The new academic building would have a smaller footprint than the Project and be multi-storied. In existing academic buildings, renovated spaces would have to be re-configured to meet current standards for space per seat; therefore, renovation would result in elimination of some existing seats. Other construction would be limited to one new residential building along the western edge of the Kresge Meadow, providing 133 new student beds. The existing residential building R8 would continue to provide housing, while the remaining buildings would continue to be used in their current capacities. With the removal of 17 existing beds in R7, the net increase in beds under this alternative would be 33.

Because this alternative would retain all but three existing buildings, it would reduce to a less than significant level the Project's significant and unavoidable impacts to historic resources and to visual character and quality. In addition, due to the overall decrease in construction activity and ground disturbance, it would reduce the Project's already less than significant impacts to forestry, biological, and archaeological resources. Whereas the Project would have less than significant impacts on hydrology and water quality, this alternative would have potentially significant impacts before mitigation because of the potential need for off-site stormwater facilities. Because this alternative would reduce the Project's net increase in academic seats, it would also reduce the Project's already less than significant impacts related to vehicle trips, air quality, greenhouse gas emissions, and operational noise. However, this alternative would only meet three of the Project's 12 objectives and would partially meet the remaining nine objectives. It would not meet objectives related to the location of academic space, the provision of support space, the consolidation and zoning of Kresge College program functions, functional outdoor gathering areas, and accessibility requirements.

FINDING: Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), The Regents finds that specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Renovate, Reuse, and

New Construction Alternative infeasible. The Regents therefore rejects this alternative for the reasons listed above.

c) Alternative 3: Partial Demolition

The Partial Demolition Alternative would involve the demolition of eight buildings, including six that contribute to the historical significance of Kresge College (R3, R5, R7, the Town Hall, the Triplets, and the Mini Gym) and two non-contributing buildings (Annex A and Annex B). Similar to the Project, a new academic building (smaller than the proposed ACAD) would replace the existing Town Hall and residential building R3 would be removed to provide an accessible route between the upper and lower streets. As with the Project, a new parking lot with eight spaces would be constructed at the northern end of the Kresge College complex, to serve the new academic building. Residential buildings R7 and R5, and the residential building known as the Triplets, would be removed to accommodate a new cluster of two residential buildings along the western edge of the Kresge Meadow, providing 266 beds in residence hall configuration for first year undergraduates. Although this alternative would result in the reuse and renovation of two existing residential buildings that would be removed under the Project, the net increase of 116 beds would be less than the net increase of 200 beds under the Project. Under this alternative, the new Town Hall would be located farther south to avoid removal of residential building R11. As such, the new Town Hall would not be located on the street and, because of the site characteristics in this area including denser trees, would not itself provide indoor-outdoor performance opportunities. The site design would include outdoor gathering areas at the Backyard by the new residential buildings.

The Partial Demolition Alternative would reduce some environmental impacts of the Project, including the significant and unavoidable impact to historical resources, which would become less than significant. Although the impact to visual character and quality would be reduced, it would not be reduced below a significant level. Due to the similar level of new development, this alternative would be similar to the Project in its impacts to forestry resources, biological resources, geology and soils, population and housing, and public services. Whereas the Project would have less than significant impacts on hydrology and water quality, the Partial Demolition Alternative would have potentially significant impacts before mitigation because of the potential need for off-site stormwater facilities. Overall, this alternative would be similar to the Project, with some impacts greater and some impacts reduced. This alternative would fully achieve four of the project's 12 objectives, would partially achieve two, and would not meet the remaining six. It would not meet objectives related to consolidating and zoning Kresge College program functions, providing space for student support programs, and retaining and enhancing the initial design and concept. In addition, the alternative would only partially achieve the objectives of providing student beds and creating functional outdoor gathering areas.

FINDING: Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), The Regents finds that specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Partial Demolition Alternative infeasible. The Regents therefore rejects this alternative for the reasons listed above.

d) Off-Site Lecture Hall Alternative

The Off-Site Lecture Hall Alternative would retain, renovate, and re-use 15 of the existing Kresge College buildings; would demolish five existing buildings (Annex A, R5, R7, the Triplets, and Mini Gym); and would construct a new 600-seat lecture hall on a site elsewhere on the UC Santa Cruz campus. The off-site lecture hall would be located adjacent to the existing Classroom Unit 1, west of Cowell College and immediately south of the Upper Quarry Amphitheater, approximately 0.5-mile east of Kresge College. New construction on-site at Kresge College would be limited to a cluster of two residential buildings along the western edge of the Kresge Meadow, which would provide 266 new student beds in residence hall configuration, fewer than the 400 which would be provided under the Project. The net increase in student beds at Kresge College under this alternative would be 91 fewer beds than the Project's net increase of 200 beds. Although the 600-seat lecture hall would be constructed, other new classrooms would not. As such, the net increase in academic seats would be 462 under this alternative, compared to 520 for the Project. This alternative would not alter the existing configuration of parking lots at Kresge College. The new 600-seat lecture hall would be constructed in a new 10,500-sf building on a wooded site in the eastern portion of the central campus, adjacent to the existing Classroom Unit 1. The Campus's 2011 Northeast Campus Area Plan identified this site as the preferred location for development of the Instructional Facilities Project, which would include three new lecture halls with 600, 400, and 200 seats, respectively.

By demolishing fewer buildings that contribute to Kresge College's historic status, this alternative would retain the overall historic site design. Therefore, this alternative would reduce to a less than significant level the Project's significant and unavoidable impacts to historical resources and to visual character and quality. Due to an incrementally reduced scale of new development, the Off-Site Lecture Hall Alternative also would slightly reduce the project's already less than significant impacts to forestry resources, air quality, climate change, and energy. Overall, this alternative would be similar to or slightly environmentally superior to the Project. This alternative would fully achieve four Project objectives, partially achieve three, and would not achieve the remaining five. It would not achieve objectives related to locating new program elements within Kresge College, creating functional outdoor gathering spaces (with the exception of the residential Backyard), and reducing travel time between the Kresge complex and the rest of the UC Santa Cruz main campus. The Off-Site Lecture Hall Alternative also may not meet the objective of keeping future student housing rate increases to a minimum, as it would provide fewer student beds than proposed and in a denser residential hall configuration.

FINDING: Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), The Regents finds that specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Off-Site Lecture Hall Alternative infeasible. The Regents therefore rejects this alternative for the reasons listed above.

3. Environmentally Superior Alternative

FINDING: The Regents finds that, without consideration of meeting the Project objectives, the No Project Alternative would be the environmentally superior alternative because it would avoid many of the significant environmental impacts of the development

that would occur under the Kresge College Renewal and Expansion Project. However, The Regents also finds that the No Project Alternative is infeasible pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3) because it would not meet any of the basic Project objectives. CEQA Guidelines Section 15126.6(e)(2) requires that if the environmentally superior alternative is the no project alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. Therefore, the Draft EIR identified the Renovate, Reuse, and New Construction Alternative as the environmentally superior alternative. The Renovate, Reuse, and New Construction Alternative would avoid many of the Project's significant environmental impacts. It would also reduce the magnitude of less than significant impacts associated with geology and soils, hazards, and transportation. The Renovate, Reuse, and New Construction Alternative, however, is infeasible because this alternative would only meet three of the Project's 12 objectives and would partially meet the remaining nine Project objectives. For these reasons, The Regents rejects the environmentally superior alternative as infeasible. The Regents further finds that of the remaining alternatives evaluated in this Final EIR, each has varying levels of impacts on different environmental resources, as noted in the Findings above, and none of the remaining alternatives are superior to the Project for CEQA's purposes. When compared to those alternatives, the Kresge College Renewal and Expansion Project provides the best available and feasible balance between maximizing attainment of the Project objectives and minimizing significant environmental impacts, and the Project is the environmentally superior alternative among those options.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

A. IMPACTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE

As discussed above, The Regents has found that the following impacts of the Kresge College Renewal and Expansion Project will remain significant, either in whole or in part, following adoption and implementation of the mitigation measures described in the Final EIR:

| Environmental Impact Area | Impact |
|----------------------------------|--|
| Aesthetics | <ul style="list-style-type: none">• Substantial alteration of the visual character of Kresge College and degradation its high level of visual quality (see Draft EIR pages 4.1-18 through 4.1-29; Impact AES-3) |
| Cultural Resources | <ul style="list-style-type: none">• Historic impacts to the Kresge College Historic District through demolition of contributing buildings, renovation, and new construction (see Draft EIR pages 4.6-15 through 4.6-23; Impact CUL-1).• Cumulative impacts on historical resources (see Draft EIR page 4.6-26; Impact CUL-5). |
| Noise | <ul style="list-style-type: none">• Construction noise impacts at nearby sensitive receptors (see Draft EIR pages 4.12-8 through 4.12-10; Impact N-1). |

B. OVERRIDING CONSIDERATIONS

As discussed above, the EIR has identified that some of the impacts of the Kresge College Renewal and Expansion Project remain significant following adoption and implementation of the mitigation measures described in the Final EIR.

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” (CEQA Guidelines section 15093.) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency must state in writing the specific reason to support its actions based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. (*Id.*)

Having (i) adopted all feasible mitigation measures, (ii) recognized all significant, unavoidable impacts, and (iii) balanced the benefits of the Project against its significant and unavoidable impacts, The Regents finds that the Project’s benefits outweigh and override its significant unavoidable impacts for the reasons stated below. Each benefit set forth below constitutes an overriding

consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact.

The benefits of the Project include the following:

- *The Project will create new instructional space, including a new general lecture hall to address the need for a large classroom, to meet the anticipated increase in campus enrollment under the 2005 LRDP.*
- *The Project will improve the connection from the Kresge College site to the core academic buildings of the campus by clustering academic functions at the north end of the site, thereby increasing the flexibility for class scheduling, and reducing time for students to travel in between class times.*
- *The Project will provide additional student beds at Kresge College to accommodate the anticipated increase in campus enrollment under the 2005 LRDP, consistent with the goal of the 2005 LRDP, and will provide beds for all first year students in residential halls*
- *The Project will create functional outdoor spaces and provide areas for student gathering and socialization.*
- *The Project will bring Kresge College into code compliance including accessibility requirements and renewal of deteriorating architecture with high environmental and energy performing criteria.*
- *The Project will provide space for additional student support services including relocation of the Counseling and Psychological Services (CAPS) program to Kresge College to help a growing student population on the west side of the UC Santa Cruz campus.*
- *The Project will incorporate sustainable design features to reduce energy consumption, conserve natural resources, and achieve a Leadership in Energy and Environmental Design (LEED) Silver rating or higher for all Project buildings.*
- *The Project will meet the vision and demand identified in the 2014 UCSC Student Housing Market Study by providing first-year housing in the existing college system and helping meet the demand for 1,585 new beds.*

Considering all factors and the evidence in the EIR and other relevant documents, The Regents finds that specific economic, legal, social, technological, and other benefits of the Project outweigh the significant and unavoidable adverse environmental impacts of the Project. The Regents therefore finds that those significant adverse impacts are acceptable in the context of the Project's overall benefits.

IV. RECORD OF PROCEEDINGS

The documents and other materials that constitute the record of proceedings upon which The Regents bases these findings are located at the University of California, Santa Cruz, Barn G, 1156 High Street, Santa Cruz, California 95064, contact number (831) 459-3732. The custodian of the record of proceedings is UC Santa Cruz Physical Planning, Development and Operations, Physical and Environmental Planning. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines section 15091(e).

The record of proceedings upon which The Regents bases these findings consists of all the documents and evidence relied upon by the University in preparing the Kresge College Renewal and Expansion Project and the associated EIR, including, but not limited to the following documents and other evidence:

- *The Notice of Preparation (NOP);*
- *The EIR for the Project, including, without limitation, the Draft EIR, Final EIR, and all of its appendices;*
- *All studies, EIRs, maps, rules, regulations, guidelines, permits and other documents and materials incorporated by reference in any portion of the EIR;*
- *All written and oral public testimony presented during every noticed public meeting and public hearing for the Project, and all transcripts, audiotapes, videotapes and digital tapes thereof;*
- *The Mitigation Monitoring and Reporting Program (MMRP) for the Project;*
- *Matters of common knowledge, including but not limited to federal, state and local laws and regulations, including, without limitation, the University's adopted CEQA Procedures and the University's and UC's Santa Cruz's adopted plans, policies and programs;*
- *Any documents expressly cited in these Findings and/or in the Statement of Overriding Considerations; and*
- *All materials not otherwise identified which are expressly required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).*

VI. APPROVALS

The Regents hereby takes the following actions:

- 1) *The Regents certifies the Kresge College Renewal and Expansion Project Final EIR, as described in Section I, above.*
- 2) *The Regents hereby adopts as conditions of approval of the Kresge College Renewal and Expansion Project all mitigation measures within the responsibility and jurisdiction of the University set forth in Section II of the Findings, above.*
- 3) *The Regents hereby adopts the Mitigation Monitoring and Reporting Program for the Project accompanying the Final EIR and discussed in Section II.C of the Findings, above.*
- 4) *The Regents hereby adopts the Findings in their entirety as set forth in Sections I - V, above, including the Statement of Overriding Considerations.*
- 5) *Having certified the Final EIR, independently reviewed and analyzed the Final EIR, incorporated mitigation measures into the Project, and adopted the Mitigation Monitoring and Reporting Program and the foregoing Findings and Statement of Overriding Considerations, The Regents hereby approves the design of Kresge College Renewal and Expansion Project. The Regents directs staff to prepare and file a Notice of Determination for the Project.*