

*STUDENT HOUSING WEST PROJECT FINDINGS*

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF THE STUDENT HOUSING WEST PROJECT, SANTA CRUZ CAMPUS**

**I. BACKGROUND**

**A. PROJECT DESCRIPTION AND OBJECTIVES**

The Student Housing West Project (“Project”) will construct housing for approximately 3,100 students at two sites on the UC Santa Cruz main campus via a public-private partnership delivery method. The Project will demolish the existing 200-unit family student housing complex and child-care center on west of Heller Drive (Heller site) and redevelop the 13-acre site with approximately 2,900 new apartment-style beds for continuing upper division undergraduate and graduate students. The project will also develop approximately 140 apartments for student families (to serve approximately 140 students and their estimated 280 dependents), and a child-care center, on a 17-acre, currently undeveloped, site northeast of the intersection of Glenn Coolidge Drive and Hagar Drive (Hagar site).

The objectives of the Student Housing West Project are as follows:

- Comply with the University’s commitment under the 2008 Comprehensive Settlement Agreement (“Settlement Agreement”) to initiate housing development in the area west of Porter College before development of new beds in the North Campus Area;
- Support the development of sufficient and affordable, on-campus student housing under the UC President’s Housing Initiative;
- Develop additional housing in a timely manner in order to meet the provisions of the Settlement Agreement;
- Develop new housing while minimizing displacement impacts on students with families;
- Locate undergraduate, graduate, and family student housing on campus in order to facilitate convenient access to classrooms and other learning environments; student services; campus amenities such as retail, restaurants and fitness facilities; and reduce the growth in vehicle trips to the campus by relocating commuting students on campus;
- Incorporate adequate support space needed for students and residential life staff (i.e., social space, recreational space, laundry facilities);
- Provide a childcare facility to serve both students and employees in a location that maximizes its accessibility to families living on and off campus.

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- Incorporate design, massing, density, siting, and building footprint strategies to minimize removal of sensitive habitats and environmental impact;
- Develop housing at the highest level of sustainability that is consistent with other project objectives with Leadership in Energy and Environmental Design (LEED) Silver certification at a minimum; and
- Provide a reasonable amount of on-site parking to meet basic parking needs of the project while minimizing traffic impacts on campus.

### **B. ENVIRONMENTAL REVIEW PROCESS**

#### **1. Preparation of the EIR**

A Notice of Preparation (NOP) for the Student Housing West Project Draft EIR was initially prepared and distributed by the Campus to the State Clearinghouse, trustee agencies, responsible agencies, and other interested parties on August 31, 2017. On November 1, 2017, following the selection of the development team and subsequent modifications to the project, the Campus issued a revised NOP for the Student Housing West Project Draft EIR.

On March 27, 2018, the University published the Student Housing West Project Draft EIR, which was circulated for agency and public comment for an initial period of 45 days that ended on May 11, 2018. The comment period was extended for an additional 47 days, which ended on June 27, 2018. The University held four public comment meetings on the Draft EIR, on May 2, May 3, June 6 and June 7, 2018. Approximately 55 persons provided comments at the public comment meetings on the Draft EIR. The University received 340 comment letters on the Draft EIR, two from state agencies, one from a regional agency, one from city government, five from organizations and the remainder from individuals.

During the time that the Draft EIR was circulating and in the ensuing months, the University made several changes to the design of the project, including changes to the design at the Heller site so that the needed number of beds could be provided in buildings that would be five to seven stories high instead of the five to 10-story buildings analyzed in the Draft EIR; changes to the proposed stormwater management systems at both sites; and the addition of a wastewater treatment facility at the Hagar site. The University also determined that significant changes would be required to the Draft EIR to address public comments requesting additional analysis and clarification on several topics, including visual effects and the hydrology and water quality impacts of the Hagar site development traffic impacts and the evaluation of additional alternatives to the proposed project.

In light of these revisions to the project and the comments received, the University determined that it would publish a revised Draft EIR for the revised project for agency and public review. The Revised Draft EIR replaced in full the previously published Draft EIR. The University published the Student Housing West Project Revised Draft EIR on September 17, 2018, and circulated it for a period of 45 days that ended on November 1, 2018. The University held two public comment meetings on the Revised Draft EIR, on October 23 and 24, 2018. Approximately 23 persons provided comments at the public comment meetings on the Revised Draft EIR. The University received 120 comment letters on the Revised Draft EIR, one from a state agency, one

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from a local agency, one from city government, seven from organizations and the remainder from individuals.

The Final EIR contains all of the comment letters on the Revised Draft EIR received during and after the public comment period on the Revised Draft EIR, as well as transcripts of public comment meetings containing oral comments,. The Final EIR also contains responses to those comments, which the University prepared in accordance with CEQA, the CEQA Guidelines, and the University's procedures for implementing CEQA.

### **2. Supplement to the 2005 LRDP EIR, and Tiering**

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 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 impacts presented in the 2005 LRDP EIR. Because the Santa Cruz County Superior Court determined the 2005 LRDP EIR's analysis of water supply and population and housing impacts to be inadequate and the Settlement Agreement does not allow the University to rely on the LRDP EIR for these two analyses, the Final EIR does not rely on the 2005 LRDP EIR for those analyses. In compliance with the court order,<sup>1</sup> 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 Section 7.0 of the Final EIR. These actual conditions that have occurred to date under the 2005 LRDP, implemented per the Settlement Agreement, plus remaining foreseeable activities and conditions under the 2005 LRDP, are referred as the "Post-Settlement LRDP."

In addition, the analysis of greenhouse gas emissions in the Project EIR is not tiered from the 2005 LRDP EIR. As the 2005 LRDP EIR predates AB 32, which initiated the practice of evaluating a project's greenhouse gas emissions impacts, the 2005 LRDP EIR did not evaluate greenhouse gas emissions impacts. The Student Housing West Project EIR contains a stand-alone analysis of greenhouse gas emissions of the Project.

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<sup>1</sup> 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.

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### **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 Student Housing West Project in compliance with CEQA, the CEQA Guidelines, and the University's procedures for implementing CEQA. The Regents adopts these Findings and Statement of Overriding Considerations in conjunction with its approval of the Student Housing West 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 Student Housing West Project ("Project"). This Project will be developed at two locations on the Santa Cruz main campus. The Regents hereby issues these Findings and concurrently approves the Project.

The Final EIR has been assigned State Clearinghouse Number 2017092007. The Final EIR consists of three volumes. Volume I contains Sections 1 through 8 of the Revised Draft EIR, Volume II contains the appendices to the Revised Draft EIR, and Volume III contains the Final EIR, including revisions to the Revised Draft EIR and responses to comments on the Revised Draft EIR. The Final EIR assesses the potential environmental effects of implementation of the Student Housing West Project, identifies the means to eliminate or reduce potentially significant adverse impacts, and evaluates a reasonable range of alternatives to the Project. The Final EIR also responds to comments on the Revised Draft EIR, explains changes made to the text of the Revised Draft EIR, and includes a Mitigation Monitoring and Reporting Program that outlines the substance and timing of mitigation measures required for the Project. The Final EIR evaluates the environmental impacts of the Porter and Rachel Carson Dining Facilities Expansion Project ("Dining Facilities Project") as a related project. The Dining Facilities Project is a separate project with its own separate source of funding and timeline for design and completion, and is not proposed for approval at this time. The Final EIR also includes a Supplement to the UC Santa Cruz 2005 Long Range Development Plan EIR, which provides new analysis of the impacts of campus growth under the 2005 LRDP on water supply, and population and housing.

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 Student Housing West Project; and
- (3) The final EIR reflects the Regent's independent judgment and analysis.

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The Regents certifies that this Final EIR properly tiers from the 2005 Long Range Development Plan Environmental Impact Report (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.<sup>2</sup> The 2005 LRDP EIR analyzed long-range development on the Santa Cruz campus, and the Student Housing West 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 Student Housing West 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 review at 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://lrdp.ucsc.edu/final-eir.shtml>.

### **A. FINDING ON RESPONSES TO COMMENTS ON THE REVISED DRAFT EIR AND REVISIONS TO THE REVISED DRAFT EIR**

Chapter 3.0 of the Final EIR includes the comments received on the Revised 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 Revised Draft EIR and revisions to the Final 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).

### **B. 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 Revised 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 substantial evidence as defined in CEQA Guidelines section 15384, and a full appraisal of all viewpoints expressed throughout the CEQA review process, as well as other relevant information contained in the administrative record.

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<sup>2</sup> The following Student Housing West Project 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.

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### **C. STUDENT HOUSING WEST PROJECT 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's Findings regarding the significance of each impact with the adopted mitigation measures. The Final 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 Final 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 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 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 Student Housing West 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 the suggested mitigation measures not necessary or appropriate for inclusion as Project requirements.

#### **1. Findings on Less-Than-Significant Impacts Identified in the EIR for Which No Mitigation Is Required**

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 Volume I, Sections 4.1 through 4.15

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and Volume III, Section 4.0. of the Final EIR that were found to have no impact or less than significant impacts.

- Impacts to aesthetics (see Final EIR, Volume I, pages 4.1-35 to 4.1-37; SHW Impact C-AES-1)
- Impacts to air quality (see Final EIR, Volume I, pages 4.2-23 to 4.5-24, 4.2-30 to 4.2-32, 4.2-33 to 4.2-34; SHW Impacts AIR-2, AIR-4, AIR-5, C-AIR-1)
- Impacts to biological resources (see Final EIR, Volume I, pages 4.3-38 to 4.3-39 4.3-46 to 4.6-48, 4.3-51 to 4.3-53, 4.3-56 to 4.3-57; SHW Impacts BIO-3, BIO-7, BIO-8, BIO-9, BIO-10, BIO-13, BIO-14, BIO-16, C-BIO-1)
- Impacts to cultural resources (see Final EIR, Volume I, pages 4.4-26 to 4.4-27, 4.4-29 to 4.4-30, 4.4-32; SHW Impacts CULT-1, CULT-3, C-CULT-1)
- Impacts related to geology and soils (see Final EIR, Volume I, pages 4.5-11 to 4.5-13, 4.5-16 to 4.5-17, 4.5-19; SHW Impacts GEO-1, GEO-2, GEO-4, GEO-5, C-GEO-1)
- Impacts related to greenhouse gas emissions (see Final EIR, Volume I, pages 4.6-24 to 4.6-30, 4.6-32; SHW Impacts GHG-1, GHG-2, C-GHG-1)
- Impacts related to hydrology and water quality (see Final EIR, Volume I, pages 4.7-27 to 4.7-33, 4.7-43, 4.7-45 to 4.7-46; SHW Impacts HYD-1, HYD-2, HYD-4, C-HYD-1)
- Impacts related to land use and planning (see Final EIR, Volume I, pages 4.8-12 to 4.8-18, 4.8-20; SHW Impacts LU-1, LU-2, C-LU-1)
- Impacts related to noise (see Final EIR, Volume I, pages 4.9-10 to 4.9-22, 4.9-24 to 4.9-26; SHW Impacts NOIS-1, NOIS-2, NOIS-3, NOIS-4, C-NOIS-1)
- Impacts related to public services (see Final EIR, Volume I, pages 4.10-12 to 4.10-15; SHW Impacts PS-1, C-PS-1)
- Impacts to transportation and traffic (see Final EIR, Volume I, pages 4.11-32 to 4.11-37, 4.11-43 to 4.11-44, 4.11-53 to 4.11-54; SHW Impacts TRA-2, TRA-4, C-TRA-1)
- Impacts to tribal cultural resources (see Final EIR, Volume I, pages 4.11-7 to 4.11-8; SHW Impact C-TCR-1)
- Impacts to utilities and service systems (see Final EIR, Volume I, pages 4.13-19 to 4.13-2, 4.3-26 to 4.3-27; SHW Impacts UTIL-2, UTIL-5)
- Impacts related to energy (see Final EIR, Volume I, pages 4.14-10 to 4.14-15; SHW Impacts EN-1, EN-2)
- Impacts on agricultural resources (see Final EIR, Volume I, pages 4.15-2 to 4.15-3; Impact AG-1)
- Impacts related to hazards and hazardous materials (see Final EIR, Volume I, pages 4.15-4 TO 4.15-8; Impacts HAZ-1, HAZ-2, HAZ-3, HAZ-4, HAZ-5, HAZ-6, HAZ-7, HAZ-8)
- Impacts on mineral resources(see Final EIR, Volume I, pages 4.15-9; Impact MR-1)
- Impacts on population and housing (see Final EIR, pages 4.0-25 to 4.0-26; Impact PH-1)

### **2. Findings on Less-Than-Significant Impacts that Can Be Further Reduced with Recommended Mitigation**

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Based on the issue area assessment in the EIR, The Regents has determined that the Project will have a less than significant impact for the issue listed below, but that the identified mitigation measure would further reduce this impact. The rationale for this conclusion is based on the discussion of this impact in Volume 1, Section 4.4 of the EIR. The Regents hereby adopts and incorporates those mitigation measures into the Project.

### *i. Cultural Resources*

**SHW Impact CULT-1:** The proposed project would not result in a substantial adverse change in the significance of a known historical resource (see Final EIR, Volume I, pages 4.4-27 to 4.4-29).

**SHW Mitigation CULT-1:** Prior to ground disturbing activities in the study area, a qualified archaeologist shall re-record and photo document the isolated feature P-UCSC-012H before removing it from its current location. (Revised Draft EIR page XX.)

### **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 Volume 1, Sections 4.1 through 4.15 of the Final EIR. An explanation of the rationale for each finding is presented below.

### *i. Aesthetics*

**SHW Impact AES-4:** Implementation of the proposed project could result in a substantial adverse effect related to light and glare. Outdoor lighting included in the proposed development at the Heller site would have the potential to result in light spill in the surrounding area. (Final EIR, Volume 1, pages 4.1-31 to 4.1-34.)

**SHW Mitigation BIO-12:** Outdoor lighting shall incorporate design guidelines requiring that new outdoor lighting shall be directed away from the habitat surrounding the sites and away from the proposed enhanced wildlife movement corridors; dimmer lights, the use of motion sensors, and late night off-periods shall be used to minimize lighting impacts to the adjacent sensitive habitat; generally following the International Dark-Sky Association guidelines for minimizing light pollution, outdoor lighting shall be provided in a manner that provides for nighttime safety, utility, security, and enjoyment while preventing light trespass into natural areas surrounding the sites; the design objective shall be to preclude any net increase in ambient lighting into adjacent sensitive habitats; all external lighting shall include full-cutoff angles, which focus on target areas and do not extend to adjacent sensitive habitat; and any pedestrian/bicycle pathway safety lighting shall be limited to low-bollard style lights that limit illumination to the trail surface. (Final EIR, Volume 1, page 4.3-50 to 4.3-51.)

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**FINDING:** The Regents finds that the implementation of the proposed SHW Project could result in light spill which could affect nighttime views in the area (see Final EIR, Volume I, Section 4.1). SHW Mitigation Measure BIO-12 is hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measure BIO-12 will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in a substantial new source of light which could affect nighttime views in the area.

**Rationale for Finding.** In addition to other lighting controls, SHW Mitigation BIO-12 requires that International Dark-Sky Association guidelines be followed to minimize light pollution. By employing appropriate lighting design standards and minimizing the quantity of reflective material used in the new buildings and implementing SHW Mitigation BIO-12, the proposed project's light and glare impact would be reduced to a less than significant level.

### *ii. Air Quality*

**SHW Impact AIR-1:** Construction of the proposed project could result in construction emissions that could violate an air quality standard or contribute substantially to an existing or projected air quality violation. Construction emissions of two criteria pollutants, reactive organic gases and nitrogen oxides, would exceed the significance threshold and result in a significant impact on air quality. (see Final EIR, Volume I, pages 4.2-19 to 4.2-22.)

**SHW Mitigation AIR-1A:** The P3 developer shall submit an equipment and phasing plan to the Campus for review and approval that will demonstrate the following to reduce exhaust emissions during construction: all diesel-powered off-road equipment larger than 25 horsepower and operating on the project construction sites for more than two days in a row shall meet specified U.S. EPA and CARB standards; signal boards shall be electrically powered; electrical line power shall be provided so that diesel-fueled generator use shall be limited to 100 hours total at the Hagar site; the use of diesel-fueled generators at the Heller site shall be minimized; and intensive construction activities (grading and building erection) at the Hagar and Heller sites shall not overlap. (Final EIR, Volume I, pages 4.2-21 to 4.2-22.)

**SHW Mitigation AIR-1B:** The project shall use low volatile organic compound or VOC (i.e., ROG) coatings, that are below current MBARD requirements (i.e., Rule 426: Architectural Coatings), for at least 50 percent of all residential interior paints. This includes all architectural coatings applied during construction. At least 50 percent of coatings applied to interior portions of the project must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. (Final EIR, Volume I, page 4.2-22.)

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could result in a significant construction air quality impact (see Revised Draft EIR Section 4.2). SHW Mitigation Measures AIR-1A and AIR-1B are hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measures AIR-1A and AIR-1B will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in a significant construction air quality impact.

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**Rationale for Finding.** The project's construction-phase emissions of reactive organic gases and nitrogen oxides were modeled using the equipment and coating standards specified in SHW Mitigation Measures AIR-1 and AIR-1B and the calculated emission levels were below the applicable significance thresholds.

**SHW Impact AIR-3:** Implementation of the proposed project would expose sensitive receptors to **substantial** concentrations of toxic air contaminants. Project construction activities at the Hagar site would have the potential to expose sensitive receptors to substantial toxic air contaminant concentrations. (Final EIR, Volume I, page 4.2-24 to 4.2-30.)

**SHW Mitigation AIR-3:** Implement SHW Mitigation Measure AIR-1A.

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could result in a significant impact resulting from exposure of sensitive receptors to substantial concentrations of toxic air contaminants (see Revised Draft EIR Section 4.2). The Regents finds that implementation of SHW Mitigation Measure AIR-1A, adopted and incorporated above, will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, expose sensitive receptors to substantial concentrations of toxic air contaminants.

**Rationale for Finding.** A health risk assessment was performed for the project, following California Office of Environmental Health Hazard Assessment risk assessment guidelines and California Air Resources Board guidance, which demonstrated that compliance with the standards specified in SHW Mitigation AIR-1A would reduce the risk below the applicable threshold.

### *iii. Biological Resources*

**SHW Impact BIO-1:** Development of the proposed project would result in a substantial adverse impact on four sensitive natural communities. Implementation of the proposed project would permanently impact up to 17.1 acres of purple needlegrass grassland and may temporarily impact California oatgrass grassland, purple needlegrass grassland, creeping rye grass turfs, and California bay forest. (Final EIR, Volume I, pages 4.3-32 to 4.3-37 and Volume III, pages 3.0-47 to 3.0-48.)

**SHW Mitigation BIO-1A:** The restoration to compensate for the loss of the California oat grass grassland shall be performed using native species from local seed sources. The management and monitoring plan shall be reviewed and approved by the Campus (Final EIR, Volume I, page 4.3-34 and Volume III, pages 4.0-15 to 4.0-16.)

**SHW Mitigation BIO-1B:** Where purple needlegrass grasslands are temporarily impacted, the temporarily impacted areas shall be restored by seeding purple needlegrass from local seed sources. For any unavoidable permanent losses of purple needlegrass, the Campus shall mitigate by (1) permanently protecting existing purple needlegrass grassland within the campus at a 3:1 ratio to the acreage removed, -or- (2) by restoring purple needlegrass grassland at a ratio of at least 1:1. (Final EIR, Volume I, pages 4.3-34 to 4.3-357 and Volume III, pages 4.0-16 to 4.0-17.)

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**SHW Mitigation BIO-1C:** Where creeping rye grass turfs are temporarily impacted, the temporarily affected areas will be restored by seeding and/or planting plugs of creeping rye grass. The restoration shall be performed using native species from local seed sources. For any unavoidable permanent losses for up to 0.2 acre of creeping rye grass turfs, the Campus shall mitigate by (1) permanently protecting an equivalent acreage of existing creeping rye grass turfs within the campus at a 3:1 ratio to the acreage removed -or- (2) by restoring creeping rye grass turfs at a ratio of at least 1:1 (Final EIR, Volume I, pages 4.3-35 to 4.3-36 and Volume III, pages 4.0-17 to 4.0-18.)

**SHW Mitigation BIO-1D:** Where California bay forest understory vegetation is temporarily impacted, the temporarily affected areas will be restored by seeding and/or planting native California bay forest understory plants, such as California blackberry, coyote brush, and yerba buena. For any unavoidable permanent losses, the Campus shall mitigate (1) by permanently protecting an equivalent acreage of existing California bay forest within the campus at a 3:1 ratio to the acreage impacted, -or- (2) by restoring California bay forest understory vegetation at a ratio of at least 1:1. Tree Protection Zone fencing shall be installed under the supervision of a qualified arborist and maintained to prevent direct damage to trees (Final EIR, Volume I, pages 4.3-36 to 4.3-37 and Volume III, pages 4.0-18 to 4.0-19.)

**FINDING: The Regents finds that the implementation of the proposed SHW Project could result in a substantial adverse impact on four sensitive natural communities (see Final EIR, Volume I, Section 4.3 and Volume III, Section 4.0). SHW Mitigation Measures BIO-1A, BIO-1B, BIO-1C and BIO-1D are hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measures BIO-1A through BIO-1D will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in significant impacts to sensitive natural communities.**

**Rationale for Finding.** SHW Mitigations BIO-1A, BIO-1B, BIO-1C and BIO-1D provide mitigation ratios and success criteria for preservation of restoration either on- or off-site that will ensure that the Project results in no net loss of the sensitive natural communities that may be affected by the Project.

**SHW Impact BIO-4:** The proposed project could result in a substantial adverse impact (i.e., loss or degradation of habitat) on cave invertebrates, including the Santa Cruz telemid spider, Dolloff Cave spider, Empire Cave pseudoscorpion, or Mackenzie's Cave amphipod. (Final EIR, Volume I, pages 4.3-38 to 4.3-39 and Volume III, pages 4.0-20 to 4.0-21.)

**SHW Mitigation BIO-4:** The Campus shall require mandatory stewardship training for residents of the proposed Heller site and Hagar site housing designed to bring awareness to sensitive environments and ways to reduce impacts to the cave and other sensitive biological resources in proximity of the project sites; and install additional interpretive signage about the cave species, other sensitive plant and wildlife species, and their habitats, Best Stewardship/Leave no Trace principles for lessening the impact on the environment, and the Campus Natural Reserve lands and mission; and the Campus Natural Reserve Manager will work with Campus Police to evaluate additional enforcement actions that may be implemented to address the

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unauthorized activities by campus and non-campus population at the cave. (Final EIR, Volume I, pages 4.3-38 and 4.3-39 and Volume III pages 4.0-20 to 4.0-21.)

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could result in a substantial adverse impact on special-status cave invertebrate species (see Final EIR, Volume I, Section 4.3 and Volume III, Section 4.0). SHW Mitigation Measure BIO-4 is hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measure BIO-4 will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in significant impacts to special-status cave invertebrates.

**Rationale for Finding.** With implementation of SHW Mitigation Measure BIO-4, all residents of the Heller and Hagar site would receive stewardship training designed to bring awareness regarding the sensitive environments in the vicinity of the Project sites, which would reduce human intrusion and potential habitat degradation.

**SHW Impact BIO-5:** The proposed project could result in a substantial adverse effect on important movement habitat and direct impacts to California red-legged frog. Construction activities at the Heller site, including the proposed off-site utilities, could directly impact California red-legged frog, if present on the site during project construction. California red-legged frog has the potential to disperse through the Hagar site while moving to and from occupied breeding habitat and could be adversely affected during construction. (Final EIR, Volume I, pages 4.3-40 to 4.3-45.)

**SHW Mitigation BIO-5A:** the project shall implement the following avoidance measures at both project sites: a qualified biologist shall be present a training session for all project personnel to provide an overview on the CRLF, applicable regulatory policies and provisions regarding their protection, and the avoidance and minimization measures to be followed to protect the species; the biologist may train one or more members of the contractor staff to serve as biological monitor with responsibility for daily inspection of construction fencing; the contractor, in coordination with the biologist, shall install exclusionary fencing and cover boards around the entire project work site; installation of the fencing shall be monitored by the biologist; cover boards shall be monitored weekly by the biological monitor to ensure that they remain in place and are functional; a qualified wildlife biologist shall monitor all construction activities within California red-legged frog upland or dispersal habitat daily during initial ground-disturbing activities, including grading, excavation, and vegetation removal; the biologist shall perform spot checks of the site once a week; if a California red-legged frog is observed at any time during project activities, all work that may result in disturbance, injury, or mortality to the individual shall cease; the contractor shall notify the biologist, who shall in turn contact the Campus and USFWS; prior to the start of daily construction activities, the biologist or a biological monitor trained by the biologist shall inspect the perimeter fence to ensure that it is not ripped or has holes and that the base is still buried and that no frogs are trapped in the fence; any California red-legged frog found along and outside the fence shall be closely monitored until the frog moves away from the construction area. (Final EIR, Volume I, pages 4.3-43 to 4.3-45.)

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**SHW Mitigation BIO-5B:** Temporary exclusion fencing shall be placed around the perimeter of the trenched utility corridor and storm water improvements. If possible, all trenched areas shall be completed and backfilled by the end of the work day. Any open trenches that cannot be backfilled shall be covered by the end of the work day. If installation of the utility lines cannot be completed within one day, the utility lines and storm drains shall be trenched in sections no longer than 300 feet in length to allow CRLF movement around the exclusion fences. Trenching shall not occur in amounts greater than what can be completed during the following work day. (Final EIR, Volume I, page 4.3-45.)

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could result in a substantial adverse impact on California red-legged frog (see Final EIR, Volume I, Section 4.3, and Volume III, Section 4.0). SHW Mitigation Measures BIO-5A and BIO-5B are hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measures BIO-5A and BIO-5B will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in significant impacts to California red-legged frog.

**Rationale for Finding.** Neither the Heller site nor the Hagar site contains suitable breeding or non-breeding aquatic habitat for California red-legged frog and the development at the Heller site has been limited to the existing developed area in order to avoid impacts to dispersal habitat. SHW Mitigation Measures BIO-5A and BIO-5B identify 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.

**SHW Impact BIO-6:** The proposed project could result in direct impacts to California giant salamanders and American badgers. Construction of the project within the proposed utility corridor and storm drain improvements area within the California bay forest associated with the Heller site could directly impact California giant salamanders, particularly within the forest habitats, if present during construction activities. (see Final EIR, Volume I, pages 4.3-45 to 4.3-46 and Volume III, pages 4.0-19 to 4.0-20.)

**SHW Mitigation BIO-6A:** SHW Mitigation BIO-6: Implement SHW Mitigations BIO-5A and 5B (Final EIR, Volume I, pages 4.3-45 to 4.3-46.)

**SHW Mitigation BIO-6B:** Pre-construction surveys for American badger and potential badger burrows shall be conducted by a qualified biologist prior to construction activities. The survey shall be conducted within 14 days prior to the start of construction activities within 300 feet of the project site. If occupied burrows are found, the qualified biologist shall consult with CDFW to determine an appropriate buffer. If the occupied burrow is determined to be a natal badger den, then the burrow would have to remain protected until the juveniles are old enough to move from their den. (Final EIR, Volume III, page 4.0-20)

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could result in a substantial adverse impact on California giant salamanders and American badgers (see Final EIR, Volume I, Section 4.3, and Volume III, Section 4.0). The Regents

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**finds that implementation of SHW Mitigation Measures BIO-5A and BIO-5B, adopted and incorporated into the Project above, and SHW Mitigation Measure 6B, will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in significant impacts to California giant salamander or American badger.**

**Rationale for Finding.** Most of the measures listed in SHW Mitigations BIO-5A and -5B would also have the effect of reducing direct impacts to California giant salamanders, other amphibians, reptiles, and small mammals and implementation of these measures, such as construction monitoring, and environmental awareness training would reduce the potential for direct impacts to California giant salamanders and other small animals. Due to the absence of suitable habitat and/or abundant prey, it is unlikely that American badger is present on either project site for any period of time. Therefore, the a preconstruction survey and appropriate buffer for any occupied burrow that is found will ensure that there are no significant adverse impacts to this species.

**SHW Impact BIO-11:** The proposed project could interfere with the movement of wildlife species or with established native resident or migratory wildlife corridors. (see Final EIR, Volume I, pages 4.3-48 to 4.3-50 and Volume III, pages 4.0-21 to 4.0-22.)

**SHW Mitigation BIO-11A:** Implement SHW Mitigation BIO-5A and BIO-5B. (Final EIR, Volume I, page 4.3-49 and Volume III, page 4.0-22.)

**SHW Mitigation BIO-11B:** The Campus shall review the final designs of the buildings at the Heller and Hagar sites to ensure that appropriate bird safety designs, including the most current Bird-safe Design Standards, have been effectively incorporated to reduce potential impacts to birds. (Final EIR, Volume I, page 4.3-50 and Volume III, page 4.0-22.)

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could interfere with the movement of wildlife species or with established native resident or migratory wildlife corridors, which would be a potentially significant impact (see see Final EIR, Volume I, Section 4.3, and Volume III, Section 4.0). SHW Mitigation Measure 11B is hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measures BIO-5A and BIO-5B, adopted and incorporated into the Project above, and SHW Mitigation Measure 11B will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in significant impacts the movement of wildlife species or wildlife corridors.

**Rationale for Finding.** Implementation of SHW Mitigation Measures BIO-5A and BIO-5B would reduce temporary impacts to the movement of smaller animal species as a result of construction of the proposed utility corridor at the Heller site. Implementation of SHW Mitigation BIO-11B would ensure that the Project design meets current guidelines for bird-safe design, which will make it easier for birds to detect buildings and avoid flying into the buildings.

**SHW Impact BIO-12:** Outdoor lighting associated with the proposed project could impact wildlife behavior adjacent to the project sites, including California red-legged frog and other nocturnal species. (see Final EIR, Volume I, pages 4.3-50 to 4.3-51.)

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**SHW Mitigation BIO-12:** Outdoor lighting shall incorporate design guidelines requiring that new outdoor lighting shall be directed away from the habitat surrounding the sites and away from the proposed enhanced wildlife movement corridors; dimmer lights, the use of motion sensors, and late night off-periods shall be used to minimize lighting impacts to the adjacent sensitive habitat; generally following the International Dark-Sky Association guidelines for minimizing light pollution, outdoor lighting shall be provided in a manner that provides for nighttime safety, utility, security, and enjoyment while preventing light trespass into natural areas surrounding the sites; the design objective shall be to preclude any net increase in ambient lighting into adjacent sensitive habitats; all external lighting shall include full-cutoff angles, which focus on target areas and do not extend to adjacent sensitive habitat; and any pedestrian/bicycle pathway safety lighting shall be limited to low-bollard style lights that limit illumination to the trail surface. (Final EIR, Volume I, pages 4.3-50 to 4.3-51).

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could impact wildlife behavior adjacent to the project sites through the addition of outdoor lighting, which would be a potentially significant impact (see Final EIR, Volume I, Section 4.3). SHW Mitigation Measure BIO-12 is adopted and incorporated into the project above, under SHW Impact AES-4. The Regents finds that implementation of SHW Mitigation Measures BIO-12 will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in significant impacts to wildlife behavior through the addition of outdoor lighting.

**Rationale for Finding.** SHW Mitigation Measure BIO-12 provides design guidelines for outdoor lighting that would reduce the exposure of habitat surrounding the sites to artificial lighting, which would reduce the effects of lighting on wildlife behavior.

### *iv. Cultural Resources*

**SHW Impact CULT-2:** The proposed project could cause a substantial adverse change in the significance of a previously unknown historical or archaeological resource, or to human remains. (Final EIR, Volume I, pages 4.4-27 to 4.4-29)

**SHW Mitigation CULT-2A:** If any grading is proposed within 200 feet of the known margin of CA-SCR-142, the Campus will retain a qualified archaeologist to monitor the grading and to determine whether intact deposits are present. If archaeological materials are exposed by grading, the Campus shall implement previously adopted LRDP Mitigation Measures CULT-1G and LRDP Mitigation CULT-4B. If human remains are exposed and the County Sheriff-Coroner determines them to be of Native American origin, the Campus shall implement previously adopted LRDP Mitigation Measure CULT-4C. (Final EIR, Volume I, page 4.4-29)

**SHW Mitigation CULT-2B:** A Native American monitor of the Amah Mutsun Tribal Band will be provided an opportunity to monitor during ground disturbance within 200 feet of a known prehistoric deposit. In addition, if a previously unknown

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prehistoric deposit is uncovered during construction, a native American monitor of the Amah Mutsun Tribal Band will be provided the opportunity to monitor grading within 200 feet of the find. (Final EIR, Volume I, page 4.4-29)

**SHW Mitigation CULT-2C:** Once the vegetation on the Hagar site is removed and before any grading for project construction is undertaken, another intensive pedestrian survey of the site will be conducted by a qualified archaeologist. (Final EIR, Volume I, page 4.4-29)

**FINDING:** The Regents finds that the implementation of the proposed SHW Project could cause a substantial adverse change in the significance of a previously unknown historical or archaeological resource, or to human remains. (see Final EIR, Volume I, Section 4.4). SHW Mitigation Measures CULT-2A, CULT-2B and CULT-2C are hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measures CULT-2A, CULT-2B and CULT-2C will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in a substantial adverse change in the significance of a previously unknown historical or archaeological resource, or to human remains.

**Rationale for Finding.** Implementation of SHW Mitigation Measures CULT-2A, CULT-2B and CULT-2C establishes a series of procedures to be followed that will ensure that any unknown archaeological resources within the Project area of disturbance are identified. Should any such resources be identified, previously adopted LRDP mitigation measures would then be implemented to ensure that they are properly documented or preserved, as warranted.

### *v. Geology and Soils*

**SHW Impact GEO-3:** The proposed project would result in construction of facilities in an area underlain by karst features, which could lead to settlement or collapse beneath the structures. (Final EIR, Volume I, pages 4.5-13 to 4.5-16)

**SHW Mitigation GEO-3A:** At the time of the building foundation excavation in areas underlain by dolines, the excavation shall be examined by the project geologist and geotechnical engineer, prior to backfilling of the excavation. A geologic map portraying the distribution of rock and soil shall be prepared by the project geologist, showing the geometry of the exposed marble bedrock. If previously unidentified dolines in excess of the design void span are mapped in the excavation, the project shall be redesigned to span those voids, or further subsurface work shall be performed to adequately characterize the hazard and attendant risks related to karst processes. (Final EIR, Volume I, pages 4.5-15 to 4.5-16)

**SHW Mitigation GEO-3B:** Implement SHW Mitigation HYD-3B. SHW Mitigation HYD-3B requires that, in the event that a sinkhole is formed or activated in Jordan Gulch by the discharge of storm water and recycled water from the Hagar site, a graded filter or another filtration system will be designed and constructed (Final EIR, Volume I, page 4.5-16)

## STUDENT HOUSING WEST PROJECT FINDINGS

**FINDING:** The Regents finds that the implementation of the proposed SHW Project would result in construction of facilities in an area underlain by karst features, which could lead to settlement or collapse beneath the structures. (see Final EIR, Volume I, Section 4.5). SHW Mitigation Measures GEO-3A, GEO-3B and HYD-3B are hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measures GEO-3A and GEO-3B will reduce this potentially significant impact to a less-than-significant impact and that the Project will not, therefore, result in construction of facilities in an area underlain by karst features, which could lead to settlement or collapse beneath the structures.

**Rationale for Finding.** SHW Mitigation Measure GEO-3A would address the contingency that a void that is larger than the design void specified in the project geotechnical reports may exist under the building footprints. This mitigation would ensure that appropriate methods are used during construction to identify and mitigate any such voids. SHW Mitigation Measures GEO-3B and HYD-3B would ensure that critical structures are not affected in the event that infiltration of runoff in Jordan Gulch results in formation of a sinkhole.

### *vi. Hydrology and Water Quality*

**SHW Impact HYD-3:** Hagar site development and operations would not substantially degrade surface or groundwater quality; interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level or cause substantial changes in spring flows; but could result in erosion and sedimentation in Jordan Gulch. Runoff from the Hagar site is not expected to adversely affect water quality. To verify this, the EIR identifies SHW Mitigation Measure HYD-3A will be implemented to monitor the quality of the treated discharge water. A potential impact to water quality could occur if the discharge of the storm water and recycled water resulted in the formation of sinkholes in Jordan Gulch that could then cause the discharge of sediment into the underlying karst and affect water quality in downstream springs. (Final EIR, Volume I, pages 4.7-33 to 4.7-42.)

**SHW Mitigation HYD-3A:** Treated storm water runoff from the Hagar site will be sampled, and laboratory-analyzed for total suspended solids, pH, oil & grease, and nitrates and compared with applicable storm water benchmarks threshold limits in general accordance with protocols outlined in the Industrial General Permit. In the event a limit is exceeded for any of the constituents, an assessment of existing best management practices will be conducted, and appropriate changes will be made to best management practices (Final EIR, Volume I, page 4.7-42.)

**SHW Mitigation HYD-3B:** A minimum 60-foot buffer shall be established between infiltration areas and critical structures, existing or planned, such as buildings, roadways, and life/safety infrastructure (Final EIR, Volume I, page 4.7-42.)

**SHW Mitigation HYD-3C:** In the event that a sinkhole is formed or activated in Jordan Gulch by the discharge of storm water and recycled water from the Hagar site, a graded filter or another filtration system will be designed and constructed. (Final EIR, Volume I, page 4.7-42.)

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**FINDING:** The Regents finds that Hagar site development and operations would not substantially degrade surface or groundwater quality; interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level or cause substantial changes in spring flows; but could result in erosion and sedimentation in Jordan Gulch (see Final EIR, Volume I, Section 4.5). SHW Mitigation Measures HYD-3A, HYD-3B and HYD-3C are hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measures HYD-3A will verify that Hagar site development and operations will not substantially degrade surface or ground water and that implementation of SHW Mitigation Measures HYD-3B and HYD-3C will reduce the potentially significant impact associated with erosion and sedimentation in Jordan Gulch to a less-than-significant impact and that the Project will not, therefore, result in significant impacts to groundwater or surface water quality or groundwater recharge as a result of Hagar site development and operations.

**Rationale for Finding.** As runoff from the Hagar site would be detained and treated to appropriate regulatory the standard, the discharge is not expected to adversely affect water quality. However, to verify this, SHW Mitigation Measure HYD-3A will be implemented to monitor the quality of the treated discharge water and ensure that management practices are adjusted as needed. SHW Mitigation HYD-3B and -3C would ensure that the Jordan Gulch discharge points for both storm water and recycled water do not result in the formation of sinkholes that could affect water quality or cause damage to nearby campus infrastructure.

### *vii. Transportation and Traffic*

**SHW Impact TRA-3:** Construction period traffic could temporarily impact traffic conditions along roadways serving the project sites, including potential effect on emergency vehicle access. (Final EIR, Volume I, pages 4.11-37 to 4.11-43.)

**SHW Mitigation TRA-3:** The University shall require the Project Developer to prepare and implement a Construction Traffic Management Plan that will include: identify proposed truck routes; specify construction hours, including limits on the number of truck trips during the AM and PM peak traffic periods; include a parking management plan for construction worker parking; include a public information and signage plan; 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; use Caltrans certified flag persons for any temporary lane closures; install traffic control devices as specified in the Caltrans Manual of Traffic Controls for Construction and Maintenance Work Zones; provide detour signs when a pedestrian/bicycle path is to be closed and temporary fencing or other indicators of pedestrian and bicycle hazards; consult affected jurisdictions to identify detours for emergency vehicles; ensure that access to fire hydrants remains available at all times; coordinate with local transit agencies for temporary relocation of routes or bus stops; and coordinate with other projects under construction in the immediate vicinity (Final EIR, Volume I, pages 4.11-42 to 4.11-43).

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**FINDING:** The Regents finds that construction of the Student Housing West Project could temporarily impact traffic conditions along roadways serving the project sites, including potential effect on emergency vehicle access (see Final EIR, Volume I, Section 4.11). SHW Mitigation Measure TRA-3 is hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measure TRA-3 will reduce the potentially significant construction traffic impact to a less-than-significant impact and that the Project construction will not, therefore, result in significant impact on emergency vehicle access.

**Rationale for Finding.** SHW Mitigation Measure TRA-3 would require the construction Project Developer 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.

**SHW Impact TRA-6:** The proposed project would conflict with UC Santa Cruz policies related to alternative transportation. Due to the large number of students that would be housed on the Heller site, the number of crossings at the at-grade crosswalks would likely increase with the project, which could result in transit delays. (Final EIR, Volume I, pages 4.11-45 to 4.11-51.)

**SHW Mitigation TRA-6:** Consistent with previously adopted LRDP Mitigation Measures TRA-4A and TRA-4C, the Campus shall monitor pedestrian traffic and transit times at the Heller Drive crossing adjacent to the project site and, if warranted, extend the existing crossing guard program to this crossing (Final EIR, Volume I, page 4.11-51.)

**FINDING:** The Regents finds that the proposed project would conflict with UC Santa Cruz policies related to alternative transportation as a result of the number of pedestrian crossings at at-grade crosswalks, which could result in transit delays (see Final EIR, Volume I, Section 4.11). SHW Mitigation Measure TRA-6 is hereby adopted and incorporated into the Project. The Regents finds that implementation of SHW Mitigation Measure TRA-6 will reduce the potentially significant impacts to alternative transportation to a less-than-significant impact and that the Project construction will not, therefore, result in a significant impact to alternative transportation.

**Rationale for Finding.** SHW Mitigation Measure TRA-6 would implement, as warranted, the Campus's existing crossing guard program, whose effectiveness in reducing transit delays has been demonstrated under the 2005 LRDP EIR Mitigation Monitoring and Reporting Program.

### *viii. Tribal Cultural Resources*

**SHW Impact TCR-1:** The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074. The area of disturbance for the SHW project is not known or expected to contain any Tribal Cultural Resources. However, earthmoving activities associated with the proposed project could expose previously undiscovered buried archaeological resources, including human remains, which could be considered Tribal Cultural Resources and could be adversely affected by the project construction. The Campus has conducted consultation with Native American tribes for the Student Housing West Project

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pursuant to AB 52, and based on input from the tribe consulted, the Campus agreed to provide for a Native American monitor to be present when grading occurs within 200 feet of a known or previously unknown site, and for an additional pedestrian survey of the Hagar site, once the site vegetation is cleared and prior to commencement of construction. (Final EIR, Volume I, pages 4.12-4 to 4.12-6.)

**SHW Mitigation TCR-1:** Implement SHW Mitigation CULT-2A through 2C. (Final EIR, Volume I, pages 4.12-6).

**FINDING:** The Regents finds that earthmoving activities associated with the construction of the of the Student Housing West Project t could expose previously undiscovered buried archaeological resources, including human remains, which could be considered Tribal Cultural Resources and could be adversely affected by the project construction (see Final EIR, Volume I, Section 4.12). The Regents finds that implementation of SHW Mitigation Measures CULT-2A, CULT-2 and CULT-2C, adopted and incorporated into the Project above, will reduce the potentially significant impact to Tribal Cultural Resources to a less-than-significant impact and that the Project construction will not, therefore, result in a significant impact to Tribal Cultural Resources.

**Rationale for Finding.** Implementation of SHW Mitigation Measures CULT-2A, CULT-2B and CULT-2C establishes a series of procedures to be followed that will ensure that any unknown tribal cultural resources within the Project area of disturbance are identified. Should any such resources be identified, previously adopted LRDP mitigation measures would then be implemented to ensure that they are properly documented or preserved, as warranted.

### *ix. Utilities and Service Systems*

**SHW Impact UTIL-1:** The proposed project would not cause an exceedance of applicable wastewater treatment requirements but would entail the construction of new wastewater treatment facilities, the construction of which could result in significant environmental effects. The environmental impacts from the construction and operation of the proposed MBR facilities and recycled water lines are evaluated as part of the proposed project in the Revised Draft EIR. The construction of the proposed facilities would result in potentially significant impacts on cultural and biological resources. (Final EIR, Volume I, pages 4.13-16 to 4.13-19 and Volume III, pages 4.0-24 to 4.0-25.)

**SHW Mitigation UTIL-1:** Implement SHW Mitigations BIO-1A through BIO-1D, BIO-5B, and CULT-2A through CULT-2C. (Final EIR, Volume I, page 4.13-19 and Volume III, page 4.0-25.)

**FINDING:** The Regents finds that construction of the wastewater conveyance and treatment facilities as part of the Student Housing West Project could would result in potentially significant impacts on cultural and biological resources (see Final EIR, Volume I, Section 4.13 and Volume III, Section 4.0). The Regents finds that implementation of SHW Mitigation Measure UTIL-1 will reduce the potentially significant impact to a less-than-significant impact and that implementation of the Project will not, therefore, result in a significant impact to biological and cultural resources from the construction of new

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wastewater treatment facilities (see Findings for SHW Impacts BIO-1A through BIO-1D, BIO-5B, and CULT-2A through CULT-2C, above).

**Rationale for Finding.** The environmental impacts from the construction and operation of the proposed MBR facilities and recycled water lines are evaluated as part of the proposed project in the Revised Draft EIR. For the reasons identified in the findings for SHW Impacts BIO-1, BIO-5, and CULT-2 above, implementation of SHW Mitigations BIO-1A through BIO-1D, BIO-5B, and CULT-2A through CULT-2C would reduce these impacts to less than significant levels.

**SHW Impact UTIL-3:** The proposed project would require the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The impacts of constructing the proposed storm water management system are evaluated as part of the proposed project in the Revised Draft EIR. The construction of the proposed storm water management systems would result in potentially significant impacts on cultural and biological resources. (Final EIR, Volume I, pages 4.13-19 to 4.13-21 and Volume III, page 4.0-25.)

**SHW Mitigation UTIL-3:** Implement SHW Mitigations BIO-1A through BIO-1D, BIO-5B, and CULT-2A through CULT-2C. (Final EIR, Volume I, page 4.13-21 and Volume III, page 4.0-25).

**FINDING:** The Regents finds that construction of new storm water management systems as part of the Student Housing West Project would result in potentially significant impacts on cultural and biological resources (see Final EIR, Volume I, Section 4.13 and Volume III, Section 4.0). The Regents finds that implementation of SHW Mitigation Measure UTIL-3 will reduce the potentially significant impact to a less-than-significant impact and that implementation of the Project will not, therefore, result in a significant impact to biological and cultural resources from the construction of new storm water management systems (see Findings for SHW Impacts BIO-1A through BIO-1D, BIO-5B, and CULT-2A through CULT-2C above).

**Rationale for Finding.** The environmental impacts from the construction and operation of the new storm water management systems are evaluated as part of the proposed project in the Revised Draft EIR. For the reasons identified in the findings for SHW Impacts BIO-1, BIO-5, and CULT-2 above, implementation of SHW Mitigations BIO-1A through BIO-1D, BIO-5B, and CULT-2A through CULT-2C would reduce these impacts to less than significant levels.

### **3. 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 the Final EIR, Volume I, Sections 4.1 and 4.13, and Volume III, Section 4.0. For each significant and unavoidable impact

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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. Aesthetics*

**SHW Impact AES-1:** Implementation of the Student Housing West Project would have a substantial adverse effect on scenic vistas, specifically, views of the Heller site from Porter Knoll and Empire Grade near the West Entrance to the campus; and views of the Hagar site from the Hagar and Coolidge Drive intersection and other locations near the project site. (Final EIR, Volume I, pages 4.1-20 to 4.1-27).

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

**Rationale for Finding:** The Regents finds that the implementation of the Student Housing West Project would have a substantial adverse effect on scenic vistas, specifically, views of the Heller site from Porter Knoll and Empire Grade near the West Entrance to the campus; and views of the Hagar site from the Hagar and Coolidge Drive intersection and other locations near the project site (see Final EIR, Volume I, Section 4.1 and Volume III, Section 3-Master Response 4). No mitigation is available to address the project's impact on scenic vistas from development at the Heller site because the site is constrained and the proposed buildings cannot be reoriented to provide view corridors through the site. Mitigation for the impact on scenic vistas from points near or adjacent to the Hagar site is not feasible because the project is already sited at the lowest point on the East Meadow and has been designed to be as low as possible in its vertical profile. Therefore, the implementation of the Student Housing West Project would result in an impact on scenic vistas that is significant and unavoidable.

**SHW Impact AES-2:** Implementation of the proposed project would substantially damage scenic resources. The proposed development at the Hagar site would significantly alter the southernmost portion of the East Meadow, which is designated a scenic resource in the 2005 LRDP and the 2005 LRDP EIR. (Final EIR, Volume I, pages 4.1-27 to 4.1-29.)

**FINDING: The Regents finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce SHW Impact AES-2 to a less than significant level.**

**Rationale for Findings:** The Regents finds that the implementation of the Student Housing West Project would have a substantial adverse effect on scenic resources (see Final EIR, Volume I, Section 4.1). No mitigation is available to address the project's impact on scenic resources because the project is already sited at the lowest point on the East Meadow and has been designed to be as low as possible in its vertical profile. Therefore, the implementation of the Student Housing West Project would result in an impact on scenic resources that is significant and unavoidable.

**SHW Impact AES-3:** Implementation of the proposed project would substantially degrade the visual character or quality of the Hagar site (Final EIR, Volume I, pages 4.1-29 to 4.1-31.)

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**FINDING: The Regents finds that specific economic, legal, social, technological or other considerations make it infeasible to reduce SHW Impact AES-3 to a less than significant level.**

**Rationale for Finding:** The Regents finds that the implementation of the Student Housing West Project would substantially degrade the visual character or quality of the Hagar site (see Final EIR, Volume I, Section 4.1). No mitigation is available to address the project's impact on visual character and quality of the Hagar site because the project has already been designed such that the buildings would not appear substantially taller than the single-family homes in the Springtree neighborhood or the campus employee neighborhood and the housing is already designed to incorporate exterior colors and finishes in earth tones, and landscaping that would help to screen the building mass and soften the contrast with the surrounding natural lands to the north and west. Therefore, the implementation of the Student Housing West Project may result in an impact on the visual character or quality of the Hagar site that is significant and unavoidable.

### *ii. Utilities and Service Systems*

**SHW Impact UTIL-4:** The proposed project would increase the amount of water used on the project site, and would be adequately served by existing entitlements and water resources under normal water years but not under multiple dry year conditions. The Campus's incremental water demand, including the water demand of the proposed Student Housing West project, would contribute to the need for the City to secure a new water supply source to address the shortfall under multiple dry year conditions. (Final EIR, Volume I, pages 4.13-21 to 4.13-23.)

**FINDING: The Regents finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce SHW Impact UTIL-4 to a less than significant level.**

**Rationale for Finding:** The Regents finds that the Student Housing West Project would result in a significant impact related to water supply (see Final EIR, Volume I, Section 4.13). No mitigation is available because the Campus has designed the proposed Student Housing West Project as a highly water efficient project that includes the use of recycled water and water efficient fixtures. No other design features or fixtures are available to further reduce the project's potable water demand. Therefore, the implementation of the Student Housing West Project may result in an impact related to water supply that is significant and unavoidable.

**SHW Impact C-UTIL-1:** The proposed Student Housing West Project, in conjunction with other past, present and reasonably foreseeable future development, would result in a significant cumulative impact related to water supply. Under single and multiple dry water year conditions, the supplies would be lower than the demand and that the City would need to develop a new water supply source to serve the demand. Potential environmental impacts from developing a new supply source were determined to be significant and unavoidable. (Final EIR, Volume I, pages 4.13-21 to 4.13-23.)

**FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.**

**Rationale for Finding:** The Regents finds that the proposed Student Housing West Project, in conjunction with other past, present and reasonably foreseeable future development, would result in a significant cumulative impact related to water supply. (see Final EIR, Volume I, Section 4.13). No

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mitigation is available because the Campus has designed the proposed Student Housing West Project as a highly water efficient project that includes the use of recycled water and water efficient fixtures and irrigation systems. No other design features or fixtures are available to further reduce the project's potable water demand. Therefore, the implementation of the Student Housing West Project would result in a water supply impact that is significant and unavoidable.

### **D. DINING FACILITIES EXPANSION: IMPACTS AND MITIGATION MEASURES**

The Final EIR identified the proposed dining facilities expansion as a related project to the Student Housing West Project and evaluated its environmental impacts based on the information available at the time. Although the dining facilities expansion project is a separate project and is not proposed for approval at this time. Impacts from the implementation of the dining facilities expansion are provided below for purposes of disclosure as they are considered a foreseeable indirect consequence of the SHW project:

#### **1. Less-Than-Significant Impacts for Which No Mitigation Is Required**

- Impacts to aesthetics (see Final EIR, Volume I, pages, 4.1-34 to 4.1-35; DF Impact AES-1)
- Impacts to air quality (see Final EIR, Volume I, pages 4.2-32 to 4.2-33; DF Impact AIR-1)
- Impacts to biological resources (see Final EIR, Volume I, pages 4.3-54 to 4.3-56; DF Impact BIO-1, BIO-3, BIO-4)
- Impacts to cultural resources (see Final EIR, Volume I, pages 4.4-31 to 4.24-32; DF Impact-CULT-1)
- Impacts related to geology and soils (see Final EIR, Volume I, pages 4.5-18 to 4.5-19; DF Impact-GEO-1)
- Impacts related to greenhouse gas emissions (see Final EIR, Volume I, pages 4.6-31 to 4.6-32; DF Impact GHG-1)
- Impacts related to hydrology and water quality (see Final EIR, Volume I, pages 4.7-44 to 4.7-45; DF Impact HYD-1)
- Impacts related to land use and planning (see Final EIR, Volume I, page 4.8-19; DF Impact LU-1)
- Impacts related to public services (see Final EIR, Volume I, pages 4.10-14 to 4.10-15; DF Impact PS-1)
- Impacts to transportation and traffic (see Final EIR, Volume I, page 4.11-52; DF Impact TRA-1)
- Impacts to tribal cultural resources (see Final EIR, Volume I, pages 4.12-6 to 4.12-7; DF Impact TCR-1)
- Impacts to utilities and service systems (see Final EIR, Volume I, pages 4.13-24 to 4.13-25; DF Impact UTIL-1)
- Impacts related to energy (see Final EIR, Volume I, page 4.14-16; DF Impact EN-1)

#### **2. Potentially significant impacts mitigated to a less-than-significant level**

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**DF Impact BIO-2:** The proposed dining facilities expansion project would result in potential significant impacts to California red-legged frog (see Final EIR, Volume I, page 4.3-55)

**DF Mitigation BIO-2:** Implement SHW Mitigation BIO-5A.

**3. Significant Unavoidable Impacts**

**DF Impact NOI-1:** Construction activities associated with the dining facilities expansion project would substantially increase noise levels at residential uses in the vicinity but would not expose persons to excessive groundborne vibration. The proposed project would not increase traffic-related noise levels (see Final EIR, Volume I, pages 4.9-23 to 4.9-24).

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

**Rationale for Finding:** The Dining Facilities Expansion would include expansion of existing buildings which are located within 100 feet of student residences and academic buildings. Previously adopted LRDP Mitigation NOIS-1, which requires development and implementation of a noise mitigation plan, would be implemented as part of the Dining Facilities Project. However, due to the proximity of noise-sensitive receptors, it is likely that measures are available to reduce noise levels below the applicable thresholds.

**E. SUPPLEMENT TO THE 2005 LRDP EIR, IMPACTS AND MITIGATION MEASURES**

The Final EIR included a new water supply impact analysis and a new population and housing impact analysis of campus growth under the 2005 LRDP and identified the following impacts based on the supplemental analysis:

**1. Significant and Unavoidable Impacts**

**Revised LRDP Impact UTIL-9:** Development under the 2005 LRDP would generate an additional demand for water which would not require that the City secure new or expanded water supply entitlements or resources in normal water years. However, the project's demand, in combination with the demand from other growth in the service area, would require the development of new water supplies for the supply shortfall under single and multiple dry water year conditions. Even with the proposed mitigation below, the development of such a new water source would have the potential to result in significant and unavoidable environmental impacts (see Final EIR, Volume I, pages 7.1-27 to 7.1-54).

**LRDP Mitigation UTIL-9A:** Continue to implement applicable prior LRDP Mitigations i.e., UTIL-9A, -9B, -9C, -9H, and -9I which the Campus is voluntarily implementing and has incorporated into campus operations and requirements for new development. (Final EIR, Volume I, page 7.1-53.)

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**LRDP Mitigation UTIL-9B:** Expand the use of recycled water on the main campus. The Campus will evaluate the feasibility of using excess recycled water generated on the SHW project site for toilet flushing at the nearby Porter and Kresge Colleges, and for irrigation at the Arboretum. The SHW project will have a surplus of about 15 MGY of recycled water. Based on current and projected student beds at Porter and Kresge Colleges, it is estimated that about 3.9 MGY of recycled water could be used in the two colleges, and the balance could potentially be used at the Arboretum. (Final EIR, Volume I, pages 7.1-53 to 7.1-54)

**FINDING:** The Regents finds that changes or alterations have been required in, or incorporated into, the 2005 LRDP to lessen the significant environmental effect as identified in the final EIR. However, specific economic, legal, social, technological, or other considerations make it infeasible to reduce Revised LRDP Impact UTIL-9 to a less than significant level.

**Rationale for Finding:** The City's water supplies are adequate to serve the Campus's water demand under the LRDP in normal water years. Although the Campus's incremental demand under the LRDP would constitute a very small portion of the City's water demand for water through 2023, given the severity of the supply shortfall, even with the reduction in Campus water demand that would be achieved with implementation of LRDP Mitigation Measures UTIL-9A and UTIL-9B, the LRDP's contribution is considerable and the campus's incremental water demand would contribute to the need for the City to secure a new water source to address drought conditions. Analysis of probable environmental impacts of the City's potential new water sources shows development of a supplemental supply source could result in significant or significant and unavoidable impacts. Campus growth under the LRDP would contribute to those impacts. However, due to the proximity of noise-sensitive receptors, it is likely that measures are available to reduce noise levels below the applicable thresholds.

Because the Post-Settlement LRDP is a program that includes campus population growth as an essential objective of the LRDP, no mitigation is available to avoid or reduce this impact.: Campus development under the Post-Settlement LRDP would result in substantial population growth in the study area by accommodating increased enrollment and additional employment. (see Final EIR, Volume I, pages 7.2-21 to 7.2-25).

**FINDING:** The Regents finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Revised LRDP Impact POP-3 to a less than significant level.

**Rationale for Finding:** Because the LRDP is a program that includes campus population growth as an essential objective of the LRDP, no mitigation is available to avoid or reduce this impact.

**Revised LRDP Impact POP-3:** The Post-Settlement LRDP would contribute substantially to the need for more off-campus housing, which would have the potential to trigger the construction of more housing off-campus. Even with the proposed mitigation below, campus growth under the Post-Settlement LRDP would result in a significant impact on housing in the City of Santa Cruz and would result in the construction of more housing in the City, which in turn would result in

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significant and unavoidable traffic and water supply impacts (see Final EIR, Volume I, pages 7.2-25 to 7.2-42).

**LRDP Mitigation POP-3:** The Campus will continue to implement prior LRDP Mitigations POP-3A through 3C which the Campus is voluntarily implementing. (Final EIR, Volume I, pages 7.2-41 to 7.2-42)

**FINDING: The Regents finds that changes or alterations have been required in, or incorporated into, the LRDP to lessen the significant environmental effect as identified in the final EIR. However, specific economic, legal, social, technological, or other considerations make it infeasible to reduce Revised LRDP Impact POP-3 to a less than significant level.**

**Rationale for Finding:** Main campus growth under the LRDP, combined with other UC Santa Cruz facilities, would result in a housing demand that would constitute a substantial portion of new supply. Therefore, UC Santa Cruz demand would result in the construction of more housing in the City compared to the No Project scenario. The additional housing that would be constructed would result in significant and unavoidable cumulative impacts related to traffic and water supply. The Campus will continue to implement feasible mitigation measures identified in the 2005 LRDP EIR, to will ensure that the Campus provides housing to accommodate 50 percent of undergraduate enrollment and 25 percent of graduate student enrollment, and to collaborate with the other large employers and public agencies to facilitate development of housing in the Santa Cruz community. However, the development of this housing would in turn result in significant and unavoidable traffic and water supply impacts.

### **F. FINDINGS ON ALTERNATIVES TO THE STUDENT HOUSING WEST 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 Revised 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 Volume I, Section 5 of the EIR.

#### **2. Alternatives Analyzed in the EIR**

In compliance with CEQA and the CEQA Guidelines, Volume 1, Section 5 of the Final EIR evaluated a reasonable range of alternatives to the Student Housing West Project. In addition, a number of alternatives proposed by members of the public were evaluated in the responses to comments. The EIR's analysis examined the feasibility of each alternative, the environmental impacts of each alternative, and each alternative's ability to meet the Project objectives described in Volume 1, Section 2.3.3 of the Final 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.

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**FINDING:** The Regents certifies that it has independently reviewed and considered the information on alternatives provided in the 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 Revised Draft EIR evaluated seven alternatives to the Project:

- *Alternative 1: No Project Alternative*
- *Alternative 2: Reduced Project Alternative*
- *Alternative 3: Heller Site Development Only Alternative*
- *Alternative 4: Heller Site and North Remote Site Development Alternative*
- *Alternative 5: Heller Site and East Campus Infill Development Alternative*
- *Alternative 6: Heller Site, East Campus Infill, and Delaware Site Development Alternative*
- *Alternative 7: Heller Site, East Campus Infill, and North Remote Site Development Alternative*

Brief summaries of these alternatives and findings regarding these alternatives are provided below.

*i. Alternative 1: No Project Alternative*

Under the No Project Alternative, no development would occur on either project site and no housing would be added to the campus inventory. The Heller site would remain in its current condition, would continue to provide 196 beds for students with families, and would continue to be occupied by student families, and the childcare center would remain in place and would not be expanded. The Hagar site would remain undeveloped at least until a new LRDP is adopted that redesignates the site for development or another development project is put forth under the existing LRDP that includes an LRDP amendment (see Final EIR, Volume I, pages 5.0-19 to 5.0-23).

**FINDING:** Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), The Regents finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the No Project infeasible. This alternative would not achieve any of the objectives of the proposed project. Furthermore, the No Project Alternative could potentially result in a more severe impact on water supply than the Student Housing West Project. The Regents therefore rejects this alternative for the reasons listed above.

*ii. Alternative 2: Reduced Project Alternative*

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Under the Reduced Project Alternative, the number of undergraduate beds would be reduced by 962 and the reduced project would be constructed only on the Heller site. The Hagar site would not be developed as part of this alternative. The project would construct six buildings ranging from five to seven stories, to accommodate approximately 2,110 student beds, including 1,750 undergraduate beds, 220 graduate beds, and 140 units for students with families; an expanded childcare facility; and student support, dining, and amenity space. This alternative would provide up to approximately 364 parking spaces, including 266 parking spaces in a decked capacity, either on-site or off-site at the Rachel Carson parking lot. This alternative would include an MBR plant at the Heller site to locally treat wastewater and generate recycled water for toilet flushing and irrigation. Under this alternative, student families would to be relocated off campus into University-leased housing if such housing could be found in the surrounding community, with the childcare center being temporarily relocated to another location on the campus (the Granary). Due to the reduced size of this alternative, the construction period would be slightly shorter than for the proposed project. However, construction start would be delayed due to the need for redesign and the need to find housing and relocate the student families (see Final EIR, Volume I, pages 5.0-23 to 5.0-29).

**FINDING: Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), The Regents finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Reduced Project Alternative infeasible. By reducing the size of the proposed project, this alternative would not achieve the University's objectives of providing sufficient and affordable on-campus housing under the UC President's Housing Initiative; providing housing in a timely manner as related to the Settlement Agreement; relieving overcrowding; replacing housing that has deteriorated; and locating undergraduate housing on campus in order to facilitate convenient access to classrooms and other learning environments, student services, and campus amenities. This alternative would also not achieve the objective of developing new housing while minimizing displacement impacts on students with families. Furthermore, due to the limited housing supply in the Santa Cruz area, there is some uncertainty as to whether units would be available for the University to lease. Should the needed units be available, the leasing of the units by the University would temporarily reduce the amount of rental housing available for the general public. Lastly, as the per-bed cost of implementing this alternative would be higher than that associated with the Project, this alternative would not achieve the objective of developing affordable, on-campus student housing under the UC President's Housing Initiative. The additional costs include the cost of providing temporary off-campus housing for student families at market rates; redesign and construction of decked parking; and the loss of economies of scale with regard to site development costs (full development of the Heller site is still necessary under this alternative yet fewer beds will generate less overall rental revenue to offset such costs). Furthermore, this alternative would not avoid the Project's significant and unavoidable impact on scenic vistas from developing the Heller site and the significant and unavoidable impact on water supply. The Regents therefore rejects this alternative for the reasons listed above.**

### *iii. Alternative 3: Heller Site Development Only Alternative*

Under this alternative, the full project program would be development on the Heller site. Six buildings ranging from five to 10 stories would provide approximately 3,072 student beds, including

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2,712 undergraduate student beds, 220 graduate student beds, the 140 units for student families, an expanded childcare facility, along with student support, dining, and amenity space. This alternative would include an MBR plant at the Heller site to locally treat wastewater and generate recycled water for toilet flushing and irrigation. This alternative would provide up to approximately 412 parking spaces, comprised of approximately 98 on-site surface parking spaces on site, and approximately 314 parking spaces in a decked capacity (either by adding a two- to three-story parking deck on the proposed parking lot in the southwestern portion of the site or a one- to two-story deck off-site at the Rachel Carson parking lot. The Hagar site would not be developed as part of the alternative. Under this alternative, student families would be relocated off campus into University-leased housing if such housing could be found in the surrounding community, with the childcare center being temporarily relocated to another location on the campus (the Granary) (see Final EIR, Volume I, pages 5.0-31 to 5.0-37).

**FINDING: Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), The Regents finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Heller Site Development Only Alternative infeasible. This alternative would not meet the objectives of developing new housing while minimizing displacement impacts on students with families, providing sufficient and affordable on-campus housing under the UC President’s Housing Initiative, or providing housing in a timely manner as related to the Settlement Agreement. The alternative would require the relocation of student families into temporary housing in the surrounding community. The provision of temporary housing for all of the student families at an off-campus location would result in disruption and inconvenience to student families. Furthermore, due to the limited housing supply in the Santa Cruz area, there is some uncertainty as to whether units would be available to lease. Should the needed units be available, the leasing of the units by the University would temporarily reduce the amount of rental housing available for the general public. The alternative would result in a higher per bed cost than the proposed project, which would reduce the ability of this alternative to achieve the affordable housing objective. The higher costs would result primarily from providing temporary off-campus housing for student families at market rates; need for re-design; the more expensive construction methodologies required for the tallest buildings; and construction of decked parking. Furthermore, the Heller Site Development Only Alternative would increase the Project’s significant and unavoidable impact on scenic vistas at the Heller site by increasing the maximum building height and the density of the development. As the water demand would be comparable to that of the Project, this alternative would result in the same significant and unavoidable water supply impact as the Project. The Regents therefore rejects this alternative for the reasons listed above.**

### *iv. Alternative 4: Heller Site and North Remote Site Development Alternative*

Under this alternative, the Heller site and a 6.45--acre forested site adjacent to the existing North Remote Parking Lot would be utilized to provide the full project program, including 3,072 student beds, expanded childcare, parking, and related support facilities. The Heller site would be redeveloped with five buildings, ranging from five to seven stories, to provide a total of approximately 1,572 beds, including approximately 1,212 undergraduate student beds, 220 beds for graduate students, 140 units for students with families, an expanded childcare facility, along with student support, dining, and amenity space. This alternative would provide up to approximately 336 parking spaces on the Heller site, including some in a decked capacity, either on site by adding a

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parking deck to the southwestern parking lot or off site at the Rachel Carson lot. Approximately 1,500 undergraduate beds would be provided in buildings three, six- to nine-story buildings constructed on a 6.45-acre site west of the existing North Remote parking lot. Development on the North Remote site would include support and amenity spaces similar to those that would be provided on the Heller site, including a café/market, fitness room, administrative and student services, study areas, social spaces for residents, laundry facilities and mail facilities. The North Remote site development would also include an on-site wastewater treatment facility to serve the proposed housing and approximately 100 surface parking spaces along with significant extensions of utility infrastructure and potential roadway development. The Hagar site would not be developed as part of this alternative. Under this alternative, student families would be relocated off campus into University-leased housing if such housing could be found in the surrounding community, with the childcare center being temporarily relocated to another location on the campus (the Granary). Due to the need for substantial site evaluation and additional design work needed for the North Remote site, and temporary relocation of the family student housing and early education center, the project would experience a delayed start of construction. With a construction period of three to five years, the project would be completed by 2024-25 (see Final EIR, Volume I, pages 5.0-37 to 5.0-49).

**FINDING: Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), The Regents finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Heller Site and North Remote Site Development Alternative infeasible. This alternative would provide all the needed housing but would not meet the objectives of minimizing displacement impacts on student families, providing sufficient and affordable on-campus housing under the UC President’s Housing Initiative, or providing housing in a timely manner as related to the Settlement Agreement. The alternative would require the relocation of student families into temporary housing in the surrounding community. The provision of temporary housing for all of the student families at an off-campus location would result in disruption and inconvenience to student families. Furthermore, due to the limited housing supply in the Santa Cruz area, there is some uncertainty as to whether units would be available to lease. Should the needed units be available, the leasing of the units by the University would temporarily reduce the amount of rental housing available for the general public. This alternative would have a higher per-bed cost than the Project, which would reduce the ability of this alternative to achieve the affordable housing objective. The higher per bed costs are primarily the result of increased costs related to providing temporary off-campus housing for student families at market rates; increased costs due to additional site investigation, regulatory compliance and design, construction cost escalation due to a delayed start; extension of infrastructure and roadways for the North Remote site; and the need to construct additional student support and amenity spaces at the North Remote site. The Regents therefore rejects this alternative for the reasons listed above.**

### *v. Alternative 5: Heller Site and East Campus Infill Development Alternative*

Under this alternative, the Heller site and a 3-acre site in the eastern portion of the campus near Crown College, known as the East Campus Infill site, would be utilized to provide the full project program, including 3,072 bed, childcare, parking, and related support facilities. The Heller site would be redeveloped with six buildings ranging from five to seven stories to provide approximately 2,478 student beds, including 2,118 undergraduate student beds, 220 beds for graduate students, 140 units for students with families, and an expanded childcare facility, along with

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student support, dining, and amenity space. This alternative would provide approximately 382 parking spaces, including some spaces in a decked capacity either on-site by adding a two-story parking deck to the southwestern parking lot or off-site by adding a one-story deck to the Rachel Carson parking lot. At the East Campus Infill site, which includes forested land, an existing parking lot and paths, 594 undergraduate beds would be provided in two seven to eight story buildings. Parking to serve the new housing as well as replacement parking for the spaces that would be removed by the new buildings would be provided by decking an existing parking lot. Two MBR plants would be constructed, one each at the Heller and ECI sites under this alternative, and wastewater would be treated onsite and recycled water used for toilet flushing and irrigation. The Hagar site would not be developed under this alternative. Under this alternative, student families would be relocated off campus into University-leased housing if such housing could be found in the surrounding community, with the childcare center being temporarily relocated to another location on the campus (the Granary). Due to the additional design work and approvals needed for the East Campus Infill site, along with the need to temporarily relocate students families and the childcare center, the project could experience a delayed start of construction and the project completion could take up to five years. It is anticipated the overall project would be completed by 2024 (see Final EIR, Volume I, pages 5.0-50 to 5.0-61).

**FINDING: Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), The Regents finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Heller Site and East Campus Infill Site Development Alternative infeasible. This alternative would provide all the needed housing but it would not meet the objectives of minimizing displacement impacts on student families, and providing sufficient and affordable on-campus housing under the UC President’s Housing Initiative, or provide housing in a timely manner as related to the Settlement Agreement. The provision of temporary housing for all of the student families at an off-campus location would result in disruption and inconvenience to student families. Furthermore, due to the limited housing supply in the Santa Cruz area, there is some uncertainty as to whether units would be available to lease. Should the needed units be available, the leasing of the units by the University would temporarily reduce the amount of rental housing available for the general public. The alternative would result in a higher per bed cost than the Project, which would reduce the ability of this alternative to achieve the affordable housing objective. The higher per bed costs are primarily the result of the cost of providing temporary off-campus housing for student families at market rates; increased costs due to additional site investigation, regulatory compliance and design, construction cost escalation due to a delayed start; increased site and foundation costs associated with the unique topography and geology of the East Campus Infill site; the need to construct additional student support and amenity spaces at the East Campus Infill site; and the cost associated with constructing a parking deck for both the Heller and East Campus Infill sites. Due to the need to obtain approvals to remove timberland and the need for site evaluation and design work for the East Campus Infill site development, the commencement of construction would be delayed and the alternative would likely fail to develop all the needed housing in a timely manner. Furthermore, this alternative could result in additional significant and unavoidable impacts to visual character and from construction noise at the East Campus Infill site. The Regents therefore rejects this alternative for the reasons listed above.**

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### *vi. Alternative 6: Heller, East Campus Infill, and Delaware Site Development Alternative*

Under this alternative, the Heller site, the East Campus Infill site, and the a portion of the University-owned property at 2300 Delaware Avenue on the lower west side of the city of Santa Cruz would be utilized to provide the full project program, including 3,072 student beds, expanded childcare, parking, and related support facilities. The Heller site would be redeveloped with five buildings, ranging from five to seven stories, to provide about 2,258 student beds, including 2,118 undergraduate student beds, 140 units for students with families, an expanded childcare facility, along with student support, dining, and amenity space. This alternative would provide approximately 338 parking spaces at the Heller site, including some in a decked capacity, either on-site or at the adjacent Rachel Carson parking lot. Approximately 594 undergraduate beds along with student support and amenity space, would be provided in buildings constructed on the East Campus Infill site in the same configuration as under Alternative 5. The 220 graduate student beds, along with appropriate support and amenity space, would be provided on a portion of the University-owned 2300 Delaware Avenue property. The proposed graduate housing building would be located on an existing parking lot and tennis courts at the northern end of the 2300 Delaware Avenue property. The building would be similar to the proposed project's graduate student housing building at the Heller site and would be about four to five stories in height, and associated parking would be provided in a surface lot. MBR plants to locally treat wastewater and generate recycled water for toilet flushing and irrigation would be constructed at the Heller and East Camus Infill sites under this alternative. The Hagar site would not be developed as part of this alternative. Under this alternative, student families would be relocated off campus into University-leased housing if such housing could be found in the surrounding community, with the childcare center being temporarily relocated to another location on the campus (the Granary). Due to the additional design work and jurisdictional approvals needed, including a timberland conversion permit for the East Campus Infill site and a coastal development permit for the Delaware site, those sites would experience a delayed start of construction and the project completion could occur by 2024-25 (see Final EIR, Volume I, pages 5.0-61 to 5.0-73).

**FINDING: Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), The Regents finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Heller, East Campus Infill, and Delaware Site Development Alternative infeasible. This alternative would provide all the needed housing but would not meet the objectives of minimizing displacement impacts on student families, providing sufficient and affordable on-campus housing under the UC President's Housing Initiative, or provide housing in a timely manner as related to the Settlement Agreement. The alternative would require the relocation of student families into temporary housing in the surrounding community. The provision of temporary housing for all of the student families at an off-campus location would result in disruption and inconvenience to student families. Furthermore, due to the limited housing supply in the Santa Cruz area, there is some uncertainty as to whether units would be available to lease. Should the needed units be available, the leasing of the units by the University would temporarily reduce the amount of rental housing available for the general public. The alternative would result in a higher per bed cost than the Project, thus impacting the ability of the University to achieve the affordable housing objective. The higher per bed costs are primarily the result of the cost of providing temporary off-campus housing for student families at market rates; increased costs due to additional site**

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investigation, regulatory compliance and design; construction cost escalation due to a delayed start; increased site and foundation costs associated with the unique topography and geology of the East Campus Infill site; and the need to construct additional student support and amenity spaces at the East Campus Infill and Delaware sites. Furthermore, due to the need to obtain jurisdictional approvals including a timberland conversion permit for the East Campus Infill site and a coastal development permit for the Delaware site, and the need for site evaluation and design work for the East Campus Infill and Delaware Avenue site housing, the commencement of construction would be delayed and the alternative would likely fail to develop all the needed housing in a timely manner. Furthermore, this alternative could result in additional significant and unavoidable impacts to visual character and from construction noise at the East Campus Infill site. The Regents therefore rejects this alternative for the reasons listed above.

### *vii. Alternative 7: Heller, East Campus Infill, and North Remote Site Development Alternative*

Under this alternative, the Heller site, the East Campus Infill site, and the North Remote site would be utilized to provide the full project program, including 3,072 student beds, expanded childcare, parking, and related support facilities. The Heller site would be redeveloped with five buildings ranging from five to seven stories, to provide about 1,572 student beds, including 1,212 undergraduate student beds, 140 units for students with families, an expanded childcare facility, along with student support, dining, and amenity space. This alternative would provide approximately 359 parking spaces at the Heller site, including some in a decked capacity on site or at the adjacent Rachel Carson parking lot. Approximately 594 undergraduate beds along with student support and amenity space, would be provided in buildings constructed on the East Campus Infill site in the same configuration as under Alternative 5. Approximately 906 undergraduate beds along with additional student support, dining, and amenity space would be provided on the North Remote site. The Hagar site would not be developed as part of this alternative. As under Alternatives 5 and 6 above, the proposed 594 undergraduate beds and additional student support and amenity space would be located within two seven- to –eight-story buildings on the ECI site. The ECI site would provide for 100 parking spaces utilizing a decked facility approach. At the North Remote site, two five- to seven-story buildings containing 906 undergraduate student beds and student support, dining, and amenity space would be constructed. The site development would also include approximately 70 surface parking spaces along with significant extensions of utility infrastructure and potential roadway development. MBR plants to locally treat wastewater and generate recycled water for toilet flushing and irrigation would be constructed at all three sites. The Hagar site would not be developed as part of this alternative. Under this alternative, student families would be relocated off campus into University-leased housing if such housing could be found in the surrounding community, with the childcare center being temporarily relocated to another location on the campus (the Granary). Total project duration of this alternative would be about 3 to 5 years if all three sites were constructed concurrently. Due to the additional design work and approvals needed for the North Remote and ECI sites, those sites would experience a delayed start of construction and the project completion would occur by 2024-25 (see Final EIR, Volume I, pages 5.0-73 to 5.0-83).

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

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the Heller, East Campus Infill, and North Remote Site Development Alternative infeasible. This alternative would provide all the needed housing but would not meet the objectives of minimizing displacement impacts on student families, providing sufficient and affordable on-campus housing under the UC President's Housing Initiative, or provide housing in a timely manner as related to the Settlement Agreement. The alternative would require the relocation of student families into temporary housing in the surrounding community. The provision of temporary housing for all of the student families at an off-campus location would result in disruption and inconvenience to student families. Furthermore, due to the limited housing supply in the Santa Cruz area, there is some uncertainty as to whether units would be available to lease. Should the needed units be available, the leasing of the units by the University would temporarily reduce the amount of rental housing available for the general public. The alternative would result in a higher per bed cost than the proposed project, thus impacting the ability of the University to achieve the affordable housing objective. The higher per-bed costs are primarily the result of the costs related to providing temporary off-campus housing for student families at market rates; increased costs due to additional site investigation, regulatory compliance and design; construction cost escalation due to a delayed start; increased site and foundation costs associated with the unique topography and geology of the East Campus Infill site; extension of infrastructure and roadways for the North Remote site; and the need to construct additional student support and amenity spaces at the East Campus Infill and North Remote sites. Furthermore, due to the need to obtain approvals to remove timberland and the need for site evaluation and design work for the housing at both North Remote and *East Campus Infill* sites, the commencement of construction at all three sites would be delayed and the alternative would likely fail to develop all the needed housing in a timely manner. Furthermore, this alternative could result in additional significant and unavoidable impacts to visual character and from construction noise at the East Campus Infill site. The Regents therefore rejects this alternative for the reasons listed above.

### 3. Environmentally Superior Alternative

**FINDING:** While The Regents finds that the No-Project Alternative is the environmentally superior alternative because it would avoid all of the significant environmental impacts of the development that would occur under the Student Housing West Project, The Regents also finds that the No-Project Alternative is infeasible pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 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 Final EIR identified Alternative 2, the Reduced Project Alternative, as the environmentally superior alternative. The Reduced Project Alternative would avoid some of the significant environmental impacts of the development that would occur under the Student Housing West Project, including the significant aesthetics impacts at the Hagar site. The Reduced Project Alternative would also reduce the magnitude of the significant impacts on scenic vistas and scenic resources at the Heller site associated with the Student Housing West Project. The Reduced Project Alternative, however, is infeasible because this alternative would not achieve the University's objectives of providing sufficient and affordable on-campus housing under the UC President's Housing Initiative; providing housing in a timely manner as related to the Settlement Agreement; relieving overcrowding; replacing housing

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that has deteriorated; and locating undergraduate housing on campus in order to facilitate convenient access to classrooms and other learning environments, student services, and campus amenities such as retail, restaurants and fitness facilities. This alternative would also not achieve the objective of developing new housing while minimizing displacement impacts on students with families. 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 is superior to the Project for CEQA purposes. When compared to those alternatives, the Student Housing West 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.

### **3. Alternatives to the Project Proposed in Comments**

The following additional alternatives were proposed in comments on the Revised Draft EIR and were evaluated in the response to comments:

- a. Alternative sites for the student family housing and/or childcare facility
  - i. Develop Family Student Housing and Childcare Facility at 2300 Delaware
  - ii. Develop Family Student Housing at the North Remote Site
  - iii. Develop Family Student Housing on East Remote Parking Lot
  - iv. Develop Family Student Housing as Infill around Rachel Carson College/Oakes College, including Rachel Carson College/Oakes parking lot
  - v. Develop Family Student Housing along High Street between the main entrance to the campus and Westlake Elementary School
  - vi. Develop Family Student Housing between Ranch View Terrace and Hay Barn
  - vii. Develop Family Student Housing in the Eucalyptus Grove East of the Arboretum
  - viii. Develop Childcare Facility South of Coolidge Drive
  - ix. Develop Family Student Housing in the Village at the Lower Quarry
  - x. Develop Family Student Housing at the West Remote Parking Lot

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- xi. Develop Family Student Housing and Child Care West of Empire Grade
- b. Alternative options for temporary relocation of Family Student Housing
  - i. 2300 Delaware Site
  - ii. Ranch View Terrace Phase 2 Site
  - iii. East Campus Infill
  - iv. Trailers
  - v. Temporary Hotel Accommodations
- c. Alternative sites for the unspecified portions of the project, for the entire project, or that would not develop the Heller site.
  - i. Unspecified Alternatives to Developing the Heller Site
  - ii. Develop the Project Off-Campus in the Harvey West Area
  - iii. Various Infill Sites, including the “buffer zone next to Hagar,” “Land near the tennis courts next to Rachel Carson College”, and the University House site
  - iv. Re-purpose Existing Buildings not Used for Housing.
- d. Other Miscellaneous Alternatives
  - i. Build the Hagar Site Development Underground
  - ii. Develop the Hagar site at a higher density
  - iii. Shift Enrollment Growth to Other Campuses

With respect to other alternatives suggested in comments on the Revised Draft EIR, the responses to comments in the Final EIR explain why each of these alternative either could not satisfy most of the objectives of the proposed project, does not offer substantial environmental advantages over the proposed project, or could not be feasibly accomplished in a successful manner considering the economic or environmental or technological factors involved. The Regents hereby adopts and incorporates by reference the reasons stated in the responses to comments as the grounds for rejecting those alternatives.

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**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 Student Housing West Project will remain significant following adoption and implementation of the mitigation measures described in the Final EIR.

<b>Environmental Impact Area</b>	<b>Impact</b>
Aesthetics	<ul style="list-style-type: none"> <li>• Substantial adverse effect on a scenic vista. (see Final EIR, Volume I, pages 4.1-20 to 4.1-27, SHW Impact AES-1)</li> <li>• Substantial damage to scenic resources. (see Final EIR, Volume I, pages 4.1-27 to 4.1-29., SHW Impact AES-2)</li> <li>• Substantial degradation of the visual character or quality of the site. (see Final EIR, Volume I, pages 4.1-29 to 4.1-31, SHW Impact AES-3)</li> <li>•</li> </ul>
Utilities and Service Systems	<ul style="list-style-type: none"> <li>• The proposed project would increase the amount of water used on the project site, and would be adequately served by existing entitlements and water resources under normal water years but not under multiple dry year conditions. (see Final EIR, Volume I, pages 4.13-21 to 4.13-23, SHW Impact UTIL-4)</li> <li>• Significant cumulative impact on utilities (see Final EIR, Volume I, pages 4.13-21 to 4.13-23, SHW Impact C-UTIL-4)</li> </ul>

As also discussed above, the Final EIR found that the proposed dining facilities expansion is a related project to the Student Housing West Project and evaluated its environmental impacts based on the information available at the time. Although the dining facilities expansion is a separate project and is not proposed for approval at this time, The Regents finds the impacts from the implementation of the dining facilities expansion would have a significant and unavoidable impact on noise related to construction activities (see Final EIR, Volume I, pages 4.9-23 to 4.9-24).

The Final EIR also included a new water supply impact analysis and a new population and housing impact analysis of campus growth under the Post-Settlement LRDP. Based on this analysis, The Regents finds that, even with the proposed mitigation, the Campus’s remaining water demand under the Post-Settlement LRDP will contribute to the need for the City to secure a new water source for single dry water year and multiple dry water year conditions, and the development of such a new water source would have the potential to result in significant and unavoidable environmental impacts. The Regents further finds that the LRDP would result in a significant impact on housing in the City of Santa Cruz and would result in the construction of more housing in the City, which in turn would result in significant and unavoidable traffic and water supply impacts (see Final EIR, Volume I, pages 7.1-27 to 7.1-54, 7.2-21 to 7.2-25, 7.2-25 to 7.2-42).

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### **B. OVERRIDING CONSIDERATIONS**

As discussed above, the EIR has identified that some of the impacts of the Student Housing West Project remain significant following adoption and implementation of feasible mitigation measures, as 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 enable the Campus to meet its housing commitments under the 2008 Comprehensive Settlement Agreement, to reduce overcrowding in existing on-campus housing, and to meet a portion of the additional demand for on-campus housing.
- The Project will enable the Campus to reduce the excess density in the existing residence halls and return former lounges and community spaces to their original use.
- By constructing affordable graduate student housing units, the Project will allow UC Santa Cruz to support its graduate students and thereby increase the size of its graduate programs.
- The project will help to ease the pressure of student demand on the greater local housing market, by providing housing for those who add to the already high demand for housing in the city.
- The Project will replace the existing family student housing, which is nearly 50 years old and at the end of its useful life.
- The Project will provide opportunities for students to live on campus, near academic venues, libraries, support systems and fellow student, which increases student success and engagement with the University community.

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- The Project will develop replacement family student housing and early education facilities separate from the Project's undergraduate and graduate housing components to meet the unique needs of these programs.
- The Project will enable the Campus to provide employee child care, which will contribute to faculty recruitment and retention.
- The Project will develop a mix of housing unit types and amenities that conform to student preferences and sensitivities.
- The Project sets a new standard on campus for its approach to sustainability, including the use of treated wastewater for most non-potable uses and solar photovoltaics on all buildings.

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 overall Project benefits.

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### **IV. CUSTODIAN OF THE 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 section 21081.6(a)(2) and CEQA Guidelines section 15091(e).

The documents and other materials that constitute 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 proposed Student Housing West Project 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 Revised 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 Santa Cruz' 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).

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### **V. APPROVALS**

The Regents hereby takes the following actions:

- 1) The Regents certifies the EIR, as described in Section I, above.
- 2) The Regents amends the 2005 LRDP to change the designation of 17 acres of Campus Resource Land to Colleges and Student Housing.
- 3) The Regents hereby adopts as conditions of approval of the Student Housing West Project all mitigation measures within the responsibility and jurisdiction of the University set forth in Section II of the Findings, above.
- 4) 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.
- 5) The Regents hereby amends the Mitigation Monitoring and Reporting Program for the 2005 LRDP to incorporate LRDP Mitigation Measures UTIL-9A, UTIL-9B and POP-3 as identified in the Supplement to the 2005 LRDP EIR.
- 6) The Regents hereby adopts the Findings in their entirety as set forth in Sections I - V, above, including the Statement of Overriding Considerations.
- 7) 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 Student Housing West Project. The Regents directs staff to prepare and file a Notice of Determination for the Project.