

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
FINDINGS IN CONNECTION WITH  
THE APPROVAL OF THE  
MERRILL RESIDENCE HALLS CAPITAL RENEWAL PROJECT  
UNIVERSITY OF CALIFORNIA, SANTA CRUZ CAMPUS**

**I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION**

Pursuant to Title 14, California Code of Regulations, Section 15074(b), the Chancellor of the University of California, Santa Cruz campus (“UC Santa Cruz”) pursuant to authority delegated from the Board of Regents of the University of California (The Regents) (hereinafter referred to collectively as the University), hereby finds that the proposed Mitigated Negative Declaration and the Initial Study prepared for the proposed Merrill Residence Halls Capital Renewal Project (“Project”) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The University further finds that it reviewed and considered the information contained in the Mitigated Negative Declaration and Initial Study, and in the campus’ 2005 Long Range Development Plan Environmental Impact Report (2005 LRDP EIR), and any comments on these documents prior to approving the design of the project. The University hereby finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the University and adopts the Mitigated Negative Declaration.

The Initial Study analyzes the potential environmental impacts of the full scope of the planned Merrill Capital Renewal Project, which includes major maintenance and capital renewal in all Merrill College student housing facilities (Residence Halls A, B, C and D, and the Guzman Apartments), as well as the addition of new bed spaces in the existing buildings, and site improvements necessary to comply with requirements of the Americans with Disabilities Act and to enhance outdoor college areas.

**II. FINDINGS**

The University certifies that its Findings are based on a full appraisal of all information in the record, including all comments received up to the date of adoption of these Findings and the proposed Mitigated Negative Declaration concerning the environmental impacts identified and analyzed in the Initial Study that are supported by substantial evidence in the record. The University hereby adopts the following Findings pursuant to Title 14, California Code of Regulations, Section 15074, in conjunction with the approval of the project and adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as set forth in Section III, below.

**A. Background**

The Merrill Residence Halls Capital Renewal Project (Project) consists of two major components. The first component is major maintenance and capital renewal of Residence Halls A and B, improvements to interior building accessibility, and modifications to the existing building space to provide approximately 61 new bed spaces. The second component consists of

improvements to the circulation system and outdoor gathering spaces within Merrill College to meet accessibility requirements of the Americans with Disabilities Act and to enhance the outdoor spaces within the college center. These improvements would provide accessible routes throughout the Merrill College center and between the buildings in the college center to the Crown College Dining Commons; improved community spaces; and enhanced visual and physical connectivity within the college. In order to achieve the gradients required for ADA-compliant paths of travel, the taqueria and Student Activities building would be demolished and replaced with a single building (the Plaza Building) in a slightly different location.

## **B Environmental Review Process**

A Tiered Initial Study (State Clearinghouse No. 2012062017) was prepared for the Project in accordance with CEQA and the University of California Procedures for Implementation of CEQA. The Initial Study, in accordance with Section 15168 of the CEQA Guidelines, is tiered from the campus 2005 LRDP EIR (State Clearinghouse No. 2005012113), which was certified by The Regents in connection with the approval of the 2005 LRDP in September 2006.

The proposed Project is part of the physical development proposed in the 2005 LRDP; therefore, the environmental analysis for the project is presented and analyzed within the context of the 2005 LRDP and incorporates by reference applicable portions of the 2005 LRDP EIR. The 2005 LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzes the overall effects of campus growth and facility development proposed in the 2005 LRDP, and identifies measures to mitigate the significant adverse impacts and cumulative impacts associated with that growth.

As a tiered document, the Initial Study for the project relies on the 2005 LRDP EIR for: (1) a discussion of general background and setting information for environmental topic areas; (2) overall growth-related issues; (3) issues that were evaluated in sufficient detail in the 2005 LRDP EIR for which there are no significant new information (including new mitigation measures), changes in the project, or changes in circumstances that would require further analysis; and (4) cumulative impacts. The purpose of the Tiered Initial Study is to evaluate the potential environmental impacts of the Project with respect to the existing 2005 LRDP EIR analysis in order to determine what level of additional environmental review, if any, would be appropriate.

The Tiered Initial Study analyzes the potential impacts of the Project and the adequacy of the existing environmental analysis in the 2005 LRDP EIR with regard to the following environmental topic areas: (1) aesthetics, (2) agricultural resources, (3) air quality, (4) biological resources, (5) cultural resources, (6) geology, soils, and seismicity, (7) hazards and hazardous materials, (8) hydrology and water quality, (9) land use and planning, (10) mineral resources, (11) noise, (12) population and housing, (13) public services, (14) recreation, (15) transportation, circulation and parking, and (16) utilities and service systems. The Tiered Initial Study also includes a section addressing the potential for the Project to result in climate change, which analyzes the potential impacts of greenhouse gas emissions associated with the Project on global climate change. This issue area was not analyzed in the 2005 LRDP EIR, but has subsequently been added to the CEQA checklist to reflect changes in State law.

The Initial Study determined that the Project would not result in significant environmental impacts not previously identified in the LRDP EIR. The Initial Study identifies a project-specific mitigation measure to reduce potentially significant and unavoidable construction noise impacts previously identified in the LRDP EIR. The Project also incorporates applicable mitigation measures identified in the LRDP EIR that address the following potential impacts of the Project: aesthetic effects of tree removal; light pollution; construction-related air pollution emissions; unexpected discovery of cultural resources during construction; disturbance of nesting birds and special-status bats; risks associated with geological hazards; obstruction of emergency access during construction; effects of construction activities and the development of new impervious surface on water quality; construction noise; efficiency of public transportation; and water supply

With the incorporation of the identified LRDP EIR mitigation measures and the project-specific mitigation measure noted above regarding construction noise, the Project would not result in any significant environmental impacts. The University prepared a Mitigated Negative Declaration for the Merrill Residence Halls Capital Renewal Project that reflects the conclusions of the Tiered Initial Study. The Project's proposed Mitigated Negative Declaration and Draft Tiered Initial Study were submitted to the State Clearinghouse in the Governor's Office of Planning and Research and circulated for a 30-day public review period beginning on June 8, 2012, and concluding on July 9, 2012. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. Two comment letters were received during the comment period. Both comment letters raised concerns about the removal of trees to create a sunny, outdoor gathering space for Merrill College; one of the comment letters also questioned the need for additional student housing. An informal communication was received from the California Department of Fish and Game (CDFG), pointing out a discrepancy between the Project area of disturbance and the area covered by the biotic assessment cited in the Draft Initial Study. The University also received a letter from the Monterey Bay Area Unified Air Pollution Control District stating that the District had no comments. Copies of these letters and responses to comments can be found in Appendix F of the Final Initial Study. An additional biological resources survey was conducted in response to the CDFG comment, and an addendum to the biotic assessment report was prepared. The addendum is included in the Final Initial Study as Appendix G. As further explained in the responses to comments, none of the comment letters raised issues requiring recirculation pursuant to CEQA Guideline 15073.5.

### **C Relation of the Project to the LRDP EIR**

The 2005 LRDP EIR is a Program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.) and Section 21080.09 of the Public Resources Code. The 2005 LRDP EIR analyzed full implementation of uses and physical development proposed under the 2005 LRDP to accommodate a projected total enrollment level of 19,500 students, and identified measures to mitigate the significant adverse project and cumulative impacts associated with that growth. The Project would not result in any increase to the campus population, and accordingly, would not exceed the population increase projected in the 2005 LRDP EIR. Additionally, the Project is consistent with and is part of the campus development that was anticipated in the 2005 LRDP and evaluated in the 2005 LRDP EIR.

## **D. Environmental Summary**

The proposed Merrill Residence Halls Capital Renewal Project would not result in significant project level impacts or make cumulatively considerable contributions to significant cumulative impacts, including those identified in the 2005 LRDP EIR.

### **1. Potentially Significant Impacts that are Reduced to a Less-than-Significant Level with Proposed Mitigation**

The Initial Study identifies the following potentially significant impact associated with the Project that would be reduced to a less-than-significant level by the implementation of mitigation measures identified in the Initial Study. The associated mitigation measures are identified and briefly discussed below. The Initial Study provides the full text and detailed description of these mitigation measures (see Attachment 1 to these Findings, and Initial Study Appendix C).

#### **a. Potential impact on historic features.**

The Initial Study (pp. 50-53) determined that project noise from Project construction would exceed the applicable threshold of significance at the nearest sensitive receptors. This is considered a potentially significant impact. This impact would be reduced to a less-than-significant level with implementation of Merrill Mitigation NOIS-1.

### **2. Less-than-Significant Impact or No Impact**

For the issues described below, the Project would result in no impact or less-than-significant impacts, and no mitigation measures would be needed.

#### **a. Aesthetics**

Based on the analysis presented in the Initial Study (pp. 18-19), the proposed Project would not have an impact on scenic vistas or scenic resources. The Project would not have a significant impact related to degradation of the visual character and quality of the site and its surroundings, or with related to light and glare, because the Project incorporates 2005 LRDP EIR mitigations AES-5A, AES-5C, AES-5F, AES-6B, AES-6C and AES-6E, which require review of Project design by the UCSC Design Advisory Board and evaluation for their aesthetic value of trees that would be removed, and define standards for lighting. No mitigation is necessary.

#### **b. Agricultural and Forestry Resources**

Based on the analysis presented in the Initial Study (pp. 20-21), the proposed Project would have no impact related to agricultural resources. The impacts of converting approximately 0.4 acre of land defined as timberland under Public Resources Code 4526 to non-timberland uses would not result in a significant agricultural impact related to forest conversion. No mitigation is necessary.

#### **c. Air Quality**

Based on the analysis presented in the Initial Study (pp. 22-26), the Project would have no impact related to conflict with the applicable Air Quality Management Plan or objectionable odors. Emissions of criteria air pollutants and toxic air contaminants associated with project construction and operations would result in less-than-significant impacts with respect to air quality standards and exposure of sensitive receptors to pollutants, because the Project

incorporates 2005 LRDP EIR Mitigations AIR-1, AIR-2A, and AIR-6, which require measures to control construction-related emissions of fugitive dust and toxic air contaminants, and to conserve natural gas and/or minimize air pollutant emissions from space and water heating.

**d. Biological Resources**

Based on the analysis presented in the Initial Study (pp. 27-29), the Project would have no impact on sensitive natural communities or federally protected wetlands, or with respect to conflicts with local policies or ordinances protecting biological resources or with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan. The Project would have less than significant impacts on nesting special-status birds and San Francisco dusky-footed woodrat (a State-listed species of concern), because the Project incorporates 2005 LRDP Mitigations BIO-6, BIO-11 and BIO-13A and -13B, which require pre-construction surveys and other avoidance measures for species that could be affected by the Project. No mitigation is required.

**e. Cultural Resources**

Based on the analysis presented in the Initial Study (pp. 30-31), the Project impacts related to archaeological resources, paleontological resources and unique geological features, and disturbance of human remains would be less than significant because the Project incorporates 2005 LRDP Mitigations CULT-1A through -1C, CULT-1G, CULT 2B, CULT-4C, CULT-5A, CULT-5C and CULT-5D. No mitigation is required.

**f. Geology and Soils**

Based on the analysis presented in the Initial Study (pp. 32-33), the Project would result in no impact related to rupture of a known earthquake fault or the use of septic tanks or alternative wastewater disposal systems. Impacts of the Project related to seismic shaking, soil erosion or loss of topsoil, and construction on an unstable geologic unit or on expansive soil would be less than significant because the Project incorporates 2005 LRDP Mitigation GEO-1, which requires that the Campus perform and implement the recommendations of detailed geotechnical studies for projects located on sites where existing geotechnical data is insufficient. A geotechnical study for the Project has been performed and the recommendations are incorporated into the Project design. No mitigation is required.

**g. Greenhouse Gas Emissions**

Based on the analysis presented in the Initial Study (pp. 34-40), the Project would not result in greenhouse gas emissions that may have a significant effect on the environment and would not result in a significant impact related to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No mitigation is required.

**h. Hazards and Hazardous Materials**

Based on the analysis presented in the Initial Study (pp. 41-43), the Project would have no impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials within one-quarter mile of a school; safety hazards associated with a public airport or private airstrip; or wildland fires. The Project impacts related to hazardous materials use, storage and

disposal; risks associated with construction on a hazardous materials site; impairment of an adopted emergency response plan or emergency evacuation plan; and wildland fires; would be less-than-significant because the Project incorporates 2005 LRDP Mitigations HAZ-7 and HAZ-9A, which require that the Campus survey buildings for potential contamination before any demolition work and continue to implement existing Campus policies regarding notification of road closures and emergency access during construction. No mitigation is required.

**i. Hydrology and Water Quality**

Based on the analysis presented in the Initial Study (pp. 44-47), the Project would not result in impacts related to waste discharge requirements, flooding, groundwater recharge, or inundation by seiche, tsunami or mudflow. The Project impacts related to alteration of existing drainage patterns and increases in runoff would be less than significant because the Project incorporates 2005 LRDP Mitigations HYD-2B, HYD-3C, and HYD-3D. No mitigation is required.

**j. Land Use**

Based on the analysis presented in the Initial Study (p. 48), the Project would not result in any impacts related to land use.

**k. Mineral Resources**

Based on the analysis presented in the Initial Study (p. 49), the Project would not result in any impacts related to loss of availability of mineral resources.

**l. Noise**

Based on the analysis presented in the Initial Study (pp. 50-53), the Project would not result in a permanent increase in noise or vibration. The Project incorporates 2005 LRDP EIR Mitigation NOIS-1. However, Project construction could result in noise levels temporarily exceeding applicable standards at nearby sensitive receptors. This potentially significant impact would be reduced to a less-than-significant level with implementation of Merrill Mitigation NOIS-1, which requires construction of a temporary noise curtain or barrier. LRDP EIR Mitigation NOIS-2, which requires that only City-designated truck routes shall be used for Contractor, would reduce the Project's contribution to the less-than-significant cumulative off-campus noise impact of construction traffic associated with development under the 2005 LRDP.

**m. Population and Housing**

Based on the analysis presented in the Initial Study (p. 54), the Project would not result in impacts related to population growth, displacement of existing housing or people, or creation of a demand for housing. No mitigation is required.

**n. Public Services**

Based on the analysis presented in the Initial Study (p. 55), the Project would not result in significant impacts associated with the provision of new or physically altered governmental facilities. No mitigation is required.

**o. Recreation**

Based on the analysis presented in the Initial Study (p. 56), the Project would not result in impacts related to increased use of existing recreational facilities or the construction or expansion of recreational facilities. No mitigation is required.

**p. Traffic, Circulation and Parking**

Based on the analysis presented in the Initial Study (pp. 57-60), the Project would not result in impacts related to an increase in traffic, a change in air traffic patterns, hazards associated with design features, parking capacity or alternative transportation. The Project would result in a construction-phase impact on emergency access that would be less than significant because the Project incorporates 2005 LRDP Mitigation HAZ-9A, which requires that the Campus continue to implement existing policies regarding notification of road closures and emergency access during construction. The Project would result in a small increase in demand for public transit and could result in an increase in pedestrian-related transit delays. The impacts on public transit would be less than significant because the Project incorporates 2005 LRDP EIR mitigations TRA-4A through TRA-4D. No additional mitigation is required.

**q. Utilities and Service Systems**

Based on the analysis presented in the Initial Study (pp. 61-63), the Project would not result in impacts related to new water or wastewater treatment facilities or expansion of existing facilities, water supplies, compliance with statutes and regulations related to solid waste, or construction or expansion of telecommunications facilities. Impacts of the Project related to construction of new storm water facilities, disposal of solid waste, and construction or expansion of electrical, natural gas, chilled water, or steam facilities, would be less than significant. Implementation of LRDP EIR Mitigations UTIL-4, UTIL-9A, UTIL-9B and UTIL-9H, which are incorporated into the Project, would further reduce Project-related water demand and solid waste generation.

**D. Incorporation by Reference**

These Findings incorporate by reference in their entirety the text of the Initial Study and Mitigated Negative Declaration prepared for the Project; and the 2005 LRDP EIR Mitigation Monitoring Program and re-affirm the Findings adopted by The Regents in connection with its approval of the 2005 LRDP and LRDP EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of project and cumulative impacts, related mitigation measures, and the basis for determining the significance of such impacts.

**E. Mitigation Monitoring Program**

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts, incorporates into the project, or makes a condition of approval, or in order to ensure compliance during project implementation. The Mitigation Monitoring Program for the project-specific mitigation measure identified above, prepared to serve this purpose, is included in the Initial Study as Appendix C and is hereby adopted by the University.

**F. Record of Proceedings**

Various documents and other material constitute the record of proceedings upon which the University bases the Findings and decisions contained herein. These documents are located in

the offices of Physical Planning and Construction; Barn G, University of California, 1156 High Street, Santa Cruz, CA 95064. The custodian for these documents is the Office of Physical Planning and Construction.

### **G. Summary**

Based on the foregoing Findings and the information contained in the record, the University finds with respect to the project:

1. Changes or alterations have been required in, or incorporated into, the Project. These changes or alterations mitigate to a less-than-significant level or avoid the potentially significant environmental effects of the project as identified in the Initial Study.
2. There is no substantial evidence in the record as a whole that the project as proposed and mitigated may have a significant effect on the environment.
3. The Mitigated Negative Declaration reflects the University's independent judgment and analysis.

### **III. APPROVALS**

Based on the foregoing, the University intends to take the following actions:

- A. Adopt a Mitigated Negative Declaration based on the Initial Study for the Project as described in Section I, above.
- B. Adopt and incorporates into the Merrill Residence Halls Capital Renewal Project all the mitigation measures identified in the project's Initial Study.
- C. Adopt the Mitigation Monitoring Program for the project included in the Initial Study as Appendix C.
- D. Adopt these Findings in their entirety as set forth in Section II, above.
- E. Approve the design and construction of the Merrill Residence Halls Capital Renewal Project.