

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
FINDINGS IN CONNECTION WITH
THE APPROVAL OF DESIGN MODIFICATIONS
TO THE MERRILL COLLEGE CAPITAL RENEWAL PROJECT
UNIVERSITY OF CALIFORNIA, SANTA CRUZ CAMPUS**

I. CONSIDERATION OF THE MERRILL RESIDENCE HALLS CAPITAL RENEWAL PROJECT MITIGATED NEGATIVE DECLARATION AND ADDENDUM #1 THERETO

On December January 3, 2013, 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”) adopted the Mitigated Negative Declaration and the Initial Study prepared for the proposed Merrill Capital Renewal Project (“Project”) (State Clearinghouse No. 2012062017), and approved the Project. In accordance with Section 15168 of the CEQA Guidelines, the analysis of all environmental issues in the Mitigated Negative Declaration and Initial Study prepared for the Project, except greenhouse gases, is tiered from the UC Santa Cruz 2005-2020 Long Range Development Plan Final Environmental Impact Report (“LRDP FEIR”) (State Clearinghouse No. 2005012113), which was certified in September 2006 by The Regents in connection with the approval of the 2005-2020 Long Range Development Plan.

The Project, as described in the Initial Study and approved by the Chancellor, consists of two major components. The first component consists of major maintenance and renovation of Residence Halls A, B, C and D; and Guzman Suites apartments, and improvements to interior building accessibility. The second component consists of improvements to the pedestrian circulation system and outdoor gathering spaces within Merrill College to meet accessibility requirements of the Americans with Disabilities Act (ADA) and to enhance the outdoor spaces within the college center. In order to achieve the gradients required for ADA-compliant paths of travel, the taqueria and Student Activities building will be demolished and replaced with a single building (the Plaza Building) in a slightly different location. Construction of the Project is planned in two phases, with Phase 1 to begin in March 2013 and to continue into spring 2014, and Phase 2 scheduled for June 2014 to January 2015.

Phase 1 of Project construction, which consists of major maintenance and renovation of Residence Halls A and B, demolition of the taqueria building, and a portion of the site work, began in March 2013. The Campus plans to begin construction of Phase 2 of the Project in June 2014. As described in the Mitigated Negative Declaration and Initial Study, this phase was to include major maintenance on Residence Halls C and D and the Guzman Apartments, construction of the new Plaza Building, and the completion of the site improvements.

The University is now proposing to modify the design of the Project to include the demolition of the Merrill College Staff Apartments (Guzman Suites)”. Since the Project design was approved, the process of finalizing the construction documents for Phase 2 has resulted in refinements to the Project. These refinements include the decision to demolish, rather than renovate, the Guzman Apartments building and associated infrastructure. The University has prepared

Addendum #1 to the Initial Study to describe changes to the Project since the approval of the Project, and to evaluate whether the Project's implementation would result in any significant new or more severe impacts than analyzed in the Initial Study.

Pursuant to Title 14, California Code of Regulations, Section 15074(b), the University hereby finds that it has reviewed and considered the information contained in the LRDP FEIR, the Mitigated Negative Declaration and Initial Study, Addendum #1 to the Initial Study, and any comments on these documents prior to approving the Project. Based upon the foregoing, the University finds and determines that the LRDP FEIR Mitigated Negative Declaration, the Initial Study, and Addendum #1 provide the basis for approval of the modification of the design of the Merrill Capital Renewal Project and the supporting findings set forth in Parts II and III, below.

II. FINDINGS

The University certifies that its Findings are based on a full appraisal of all information in the records, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the LRDP FEIR, the tiered Initial Study and Mitigated Negative Declaration and in Addendum #1 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, as set forth in Part III, below.

A. Background

The Guzman Apartments is a 3,411-sf wood-frame and stucco building that houses three apartment units that provide housing for a total of up to 12 students. As described in the IS/MND, the Project would include major maintenance and renovation of the Guzman Apartments, including: replacement or upgrade of selected elements of the building mechanical, plumbing, electrical, and IT systems; replacement of roofs and single-paned windows; interior and exterior painting; carpet replacement; and miscellaneous other interior repairs and improvements. The Project as described in the IS/MND also included a new ADA-compliant parking space adjacent to the Guzman Apartments, which would be created by re-grading and re-striping the existing roadway and parking area, and replacement of the existing path with a new, ADA-compliant path.

During the detailed design of Phase 2 of the Project, the Campus performed a seismic review of the Guzman Apartments building in compliance to ensure compliance with the University's seismic policy. Based on this review, the Campus determined that the building does not meet current seismic standards. Under the University's policy, the Campus must prepare a plan and set a date for correcting the seismic deficiencies. The Campus has concluded that assuming the cost of the seismic corrections in addition to the cost of the planned major maintenance and renovation would not be financially viable, given the small number of student beds affected. Therefore, the Campus is proposing to demolish the building and restore the site to a natural condition.

The building structure, with the exception of the concrete foundation piers, which would be cut off a few feet below the ground surface. The asphalt path and pedestrian decks that lead from to

the building from the adjacent parking area would be removed and utilities serving the building would be cut and capped. The existing roadway and parking area adjacent to the building would not be re-graded or re-stripped. Following demolition of the building, the slope would be re-graded, consistent with the recommendations of the Project geotechnical engineer, to create a maximum 3-to-1 slope. Native-species ground cover plants and shrubs would be planted in the disturbed area, and temporary irrigation installed to allow the new plants to become established.

The demolition of the Guzman Apartments building would reduce the number of new student beds provided by the Project from 61 to 49.

B. Absence of Changed Conditions

CEQA Guidelines Section 15162 requires the preparation of a subsequent mitigated negative declaration when substantial changes to the project are proposed or substantial changes occur with respect to the circumstances in which the project is undertaken, which require changes to the previous mitigated negative declaration. No changes are proposed to the Project that would require changes to the previous mitigated negative declaration, and there have been no substantial changes to the circumstances under which the project will be undertaken. Based on the foregoing, The University finds that the LRDP FEIR, the Merrill Capital Renewal Mitigated Negative Declaration and Initial Study, and Addendum #1 contain the environmental analysis and information necessary to support approval of the modification of the design of the Project as set forth in Part III below, and that preparation of a subsequent mitigated negative declaration is not required.

C. Environmental Summary

As described in greater detail below, the Initial Study determined that the Merrill 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 LRDP FEIR. The analysis in Addendum #1 determined that the changes to the Project since the Project was approved in January 2013 would not result in significant environmental impacts not previously identified in the Initial Study and Mitigated Negative Declaration or substantially increase the severity of previously identified environmental impacts.

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

For the issues described below, the Project would result in a less-than-significant impacts, with mitigation measures identified in the Initial Study.

a. Construction noise impacts.

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.

Based on the analysis in the LRDP FEIR, the tiered Mitigated Negative Declaration and Addendum #1, incorporated herein by reference, the University finds that the Project will not result in any new, significant noise impacts, that noise resources impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

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 are required.

b. Aesthetics

Based on the analysis presented in the Initial Study/Mitigated Negative Declaration (pp. 18-19) and Addendum #1 (pp. 6-7), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant aesthetic impacts, that aesthetic impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

c. Agricultural and Forestry Resources

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (pp. 20-21) and Addendum #1 (pp. 7-8), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant impacts related to agricultural or forestry resources, that agricultural and forestry resources impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

d. Air Quality

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Negative Declaration (pp. 22-26) and Addendum #1 (pp. 8-10), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant air quality impacts, that air quality impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

e. Biological Resources

Based on the analysis presented in the LRDP FIER, the tiered Initial Study/Mitigated Negative Declaration (pp. 7-29) and Addendum #1 (pp. 10-11), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant biological resources impacts, that biological resources impacts associated with the Project would remain as

identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

f. Cultural Resources

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (pp. 30-31) and Addendum #1 (pp. 12-13), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant cultural resources impacts, that cultural resources impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

g. Geology and Soils

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (pp. 32-33) and Addendum #1 (pp. 13-14), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant impacts related to geology and soils, that geology and soils impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

h. Greenhouse Gas Emissions

Based on the analysis presented in the tiered Initial Study/Mitigated Negative Declaration (pp. 34-40) and Addendum #1 (pp. 15-16), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant climate change impacts, that climate change impacts associated with the Project would remain as identified in the tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

i. Hazards and Hazardous Materials

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (pp. 41-43) and Addendum #1 (pp. 16-18), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant impacts related to hazards and hazardous materials, that hazards and hazardous materials impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

j. Hydrology and Water Quality

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (pp. 44-47) and Addendum #1 (pp. 18-20), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant hydrology or water quality impacts, that hydrology and water quality impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

k. Land Use

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (p. 48) and Addendum #1 (pp. 20-21), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant land use impacts, that land use impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

l. Mineral Resources

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (p. 49) and Addendum #1 (pp. 21-22), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant mineral resources impacts, that mineral resources impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

m. Noise

Based on the analysis presented in the LRDP FIER, the tiered Initial Study/Mitigated Negative Declaration (pp. 50-53) and Addendum #1 (pp. 22-24), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant noise impacts, that noise impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

n. Population and Housing

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (p. 54) and Addendum #1 (pp. 24-25), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant population and housing impacts, that population and housing impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that

none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

o. Public Services

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (p. 55) and Addendum #1 (pp. 25-26) incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant public services impacts, that public services impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

p. Recreation

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (p. 56) and Addendum #1 (pp. 26-27), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant recreation impacts, that recreation impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

q. Traffic, Circulation and Parking

Based on the analysis presented in the LRDP EIR, the tiered Initial Study/Mitigated Negative Declaration (pp. 57-60) and Addendum #1 (pp. 27-29), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant impacts related to traffic, circulation, and parking, that traffic, circulation and parking impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

r. Utilities and Service Systems

Based on the analysis presented in the LRDP FEIR, the tiered Initial Study/Mitigated Negative Declaration (pp. 61-63) and Addendum #1 (pp. 29-31), incorporated herein by reference, the University finds that the changes to the Project will not result in any new, significant utilities impacts, that utilities impacts associated with the Project would remain as identified in the LRDP FEIR and tiered Mitigated Negative Declaration, and that the standards for preparation of an addendum under CEQA are met for the Proposed Action, and that none of the circumstances that would require preparation of a subsequent or supplemental EIR under CEQA exists.

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 Merrill Capital Renewal Project; Addendum #1 to the Initial Study; and the 2005 LRDP EIR Mitigation Monitoring Program. 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 measures identified above is included in the Initial Study as Appendix C and was previously adopted by the University in conjunction with approval of the Merrill Capital Renewal Project in January 2013.

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 administrative record, the University has made one or more of the following Findings with respect to the significant environmental effects of the Proposed Action:

1. The Proposed Action will not increase the severity of significant environmental impacts previously identified in the LRDP FEIR and the Mitigated Negative Declaration.
2. All mitigation measures relevant to the Proposed Action, as identified in Addendum #1, as well as all components of the Proposed Action described in Addendum #1, are made a condition of approval.
3. All significant effects on the environment due to the implementation of the Proposed Action have been eliminated or substantially lessened where feasible through mitigation measures and continuing best practices adopted in connection with the University's approval of the LRDP EIR and Mitigated Negative Declaration. Some of those mitigation measures are within the responsibility and jurisdiction of another public agency that has adopted, or can and should adopt such changes, and the University lacks concurrent jurisdiction to adopt or implement such mitigation measures.
4. The Proposed Action will not result in environmental effects that were not adequately examined in the LRDP FEIR and Mitigated Negative Declaration.

III. APPROVALS

Based on the foregoing, and the University's independent review and consideration of the LRDP FEIR, the Initial Study/Mitigated Negative Declaration, and Addendum #1 thereto, the University intends to take the following actions:

- A. Incorporate into the Project as revised, all of the mitigation measures identified in the Initial Study that are applicable to the Project.
- B. Adopt these Findings in their entirety as set forth in Section II, above.