

# **CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF THE UPPER QUARRY AMPHITHEATER RENOVATION PHASE 1 PROJECT AT THE UNIVERSITY OF CALIFORNIA, SANTA CRUZ CAMPUS**

## **I. ENVIRONMENTAL REVIEW PROCESS AND ADOPTION OF MITIGATED NEGATIVE DECLARATION**

The University of California (“University”), as the lead agency pursuant to the California Environmental Quality Act (“CEQA”), has prepared a Mitigated Negative Declaration (“MND”) for the Upper Quarry Amphitheater Renovation Phase 1 Project (“Project”). This Project will be developed at the University of California, Santa Cruz, main campus (“Campus” or “UC Santa Cruz”). The University of California, Santa Cruz Chancellor hereby issues these Findings and concurrently adopts the MND and approves the Project.

The Project would provide life safety, building code, accessibility and basic operational upgrades to an existing 1,600-seat outdoor amphitheater. The amphitheater, which was constructed in the late 1960s in a historic lime quarry, has been closed since 2006 due to disrepair. The Project would allow the Campus to re-open the facility for performances, events and casual daily use. Seating capacity would be expanded by about 170 by adding one row of seating within the existing footprint. Pole-mounted flood lighting and an off-site emergency generator would be added to support evening use.

Pursuant to Code of Regulations, title 14, section 15063, the University prepared an Initial Study to consider the potential environmental effects of implementation of the Upper Quarry Amphitheater Renovation Phase 1 Project. The University solicited public comments during preparation of the Initial Study and received comments from two public agencies. No changes were made to the Initial Study in response to these comments.

CEQA Guidelines Section 15073.5 requires a lead agency to recirculate a negative Declaration for further review and comment when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption. New information includes: (i) a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or (ii) the lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. Minor changes have been made to the project description in the Draft Initial Study to reflect refinements to the project made during the design process. These changes include the addition two bioretention areas to meet the Campus’ standards for storm water management, and the selection of project elements described as optional in the Draft Initial Study. No changes to the impact analysis were required to address these changes to the Project, and these changes did not constitute substantial revisions that would require recirculation of the Draft Initial Study/Mitigated Negative Declaration pursuant to Code of Regulations, title 14, section 15073.5.

The Initial Study describes the Project, analyzes the environmental impacts of the Project (including all phases of Project planning, implementation, and operation), and discusses means of mitigating impacts. The Initial Study tiers from the analysis in the University of California Santa Cruz 2005 Long Range Development Plan Environmental Impact Report (“LRDP EIR”), and the Initial Study’s purpose was to determine the extent of additional environmental analysis that would be appropriate for the Project.

The Board of Regents approved the LRDP EIR on September 21, 2006. The LRDP EIR comprehensively evaluates all environmental impacts that would result from anticipated development of the UC Santa Cruz Campus, and the 2005 Long Range Development Plan (as amended by 2005 LRDP Amendment #1) (“LRDP”) describes land use principles and policies to guide the location, scale, and design of individual capital projects. As a tiered document, the MND and Initial Study for the Upper Quarry Amphitheater Renovation Phase 1 rely on the LRDP EIR for: (1) a discussion of background information on environmental resource areas; (2) issues related to growth on the campus as a whole; (3) issues evaluated in sufficient detail in the LRDP EIR for which no significant new information, no changes in the project, and no changes in circumstances would require further analysis; and (4) cumulative impacts. The Project is consistent with the LRDP and with the development assumptions of the LRDP EIR, and tiering is thus proper under Public Resource Code sections 21068.5, 21080.09, and 21094 and Code of Regulations, title 14, sections 15081.5(b)(2) and 15152.

Pursuant to Code of Regulations, title 14, section 15074, the University has determined, on the basis of the Initial Study, that no aspect of the Project may cause a significant effect on the environment that was not already adequately examined and mitigated to the extent feasible in the LRDP EIR. Therefore, the University has prepared an MND for the Project. The University published a notice of intent to adopt the MND on September 15, 2016 and made the MND and Initial Study available for public review for 30 days from September 15, 2016, to October 14, 2016. The University also submitted the draft Initial Study and MND to the Office of Planning and Research’s State Clearinghouse (SCH No. 2016092033). In response, the University received two comment letters from public agencies and no comments from private individuals or organizations. The University has considered all of these comments in evaluating the Project’s impacts and in preparing the MND, and the University has determined that these comments did not require any changes to the Initial Study and MND and therefore did not necessitate recirculation of the Initial Study and MND.

In connection with the adoption of the MND and approval of the Upper Quarry Amphitheater Renovation Phase 1 Project, the University also hereby adopts the attached Mitigation Monitoring and Reporting Program (“MMRP”). The MMRP details mitigation measures that will either reduce the Project’s individual and cumulative impacts to less-than-significant levels.

All of the CEQA documentation regarding the Project, including the LRDP EIR from which this Initial Study and MND tier, is available for review at UCSC Physical Planning and Construction, Barn G, UC Santa Cruz, (831)459-2170, and at the UC Santa Cruz web site, at <http://ppc.ucsc.edu/planning/EnvDoc>.

## **II. FINDINGS**

Having received, reviewed, and considered the Initial Study, MND, public comments, and other information in the administrative record, the University hereby adopts the following Findings for the Upper Quarry Amphitheater Renovation Phase 1 Project in compliance with CEQA, the CEQA Guidelines, and the University's procedures for implementing CEQA. The University adopts these Findings in conjunction with its approval of the Upper Quarry Amphitheater Renovation Phase 1 Project, as set forth below. The University finds, on the basis of the whole record, that there is no substantial evidence that the Project will have a significant effect on the environment (apart from any significant and unavoidable effects of full LRDP implementation, as identified and addressed in the LRDP EIR) and that the MND reflects the University's independent judgment and analysis. The University further finds that any potentially significant individual or cumulative impacts of the Project have been adequately evaluated in the Initial Study and in the LRDP EIR from which the Initial Study tiers. All such potentially significant impacts have been mitigated to a level of insignificance by Project-specific or LRDP EIR mitigation measures or have been mitigated to the extent feasible by measures identified in and incorporated into the LRDP EIR.

The University finds that the Upper Quarry Amphitheater Renovation Phase 1 Project is consistent with the development concepts for which the LRDP was prepared and that any new potentially significant effects not previously considered in the LRDP EIR have been reduced to less-than-significant effects by mitigation measures or revisions incorporated into the Project. The Project, as approved concurrently with the adoption of this MND, incorporates all applicable mitigation measures identified in the LRDP EIR, and all mitigation measures required for the Project are described in the attached MMRP.

**A. Significant and Unavoidable Impacts Associated with Implementation of the LRDP**

The Initial Study did not identify any Project-specific significant and unavoidable impacts that will result from development of the Upper Quarry Amphitheater Renovation Phase 1 Project.

**B. Potentially Significant Impacts Reduced to Less-Than-Significant Impacts Through Mitigation**

The Initial Study identified potentially significant impacts associated with the Upper Quarry Amphitheater Renovation Phase 1 Project. that would be reduced to less-than-significant levels by the continued implementation of previously adopted LRDP mitigation measures or by the implementation of new, Project-specific mitigation measures. The Project fits within the level of development anticipated in the LRDP EIR and would contribute incrementally to the impacts listed below, as identified in the LRDP EIR. For these reasons, the University finds that the analyses in the LRDP EIR and in the Initial Study demonstrate that the Project's impacts listed below will be less than significant with the continued implementation of applicable mitigation measures or the implementation of new, Project-specific mitigation measures. The University has for the sake of brevity simply listed the impacts and LRDP EIR mitigation measures here. For a detailed description of these impacts and mitigation measures, please see the text of the LRDP EIR or the Initial Study prepared for this Project. For new, Project-specific mitigation measures, the University has briefly described the relevant impact and mitigation measure below; the University refers readers to the Initial Study for greater detail.

- a. Development under the **2005 LRDP** could substantially degrade the existing visual character of the campus and adjacent areas: LRDP Impact AES-5 (addressed by LRDP Mitigation Measures AES-5A, AES-5C, AES-5F).
- b. Development under the 2005 LRDP could create new sources of substantial light or glare on campus that could adversely affect daytime or nighttime views in the area: LRDP Impact AES-6: (addressed by LRDP Mitigation Measures AES-6B, AES-6C, and AES-6E)
- c. Construction activities under the 2005 LRDP could potentially result in a substantial health risk to campus occupants at certain on-campus locations from short-term exposures to TACs: LRDP Impact AIR-6 (addressed by LRDP Mitigation Measure AIR-6)
- d. Development under the 2005 LRDP has the potential to introduce or cause the spread of noxious weeds, which could reduce the abundance of native plants and sensitive communities: LRDP Impact BIO-6 (addressed by LRDP Mitigation Measure BIO-6)
- e. Development under the 2005 LRDP could result in the loss or abandonment of active nests for special-status raptors: LRDP Impact BIO-11 (addressed by LRDP Mitigation Measure BIO-11)
- f. Development under the 2005 LRDP could result in a substantial adverse impact associated with the disturbance of roosting sites for special-status bats: LRDP Impact BIO-13 (addressed by LRDP Mitigation Measures BIO-13A and BIO-13B)
- g. Development under the 2005 LRDP could result in a substantial adverse impact associated with the loss of potential San Francisco dusky-footed woodrat nests: LRDP EIR Impact BIO-14 (addressed by LRDP Mitigation Measure BIO-14)
- h. Project construction has the potential to impact Santa Cruz black salamander. This species is not rare and therefore the impact would be less than significant and no mitigation is required. However, implementation of UQA Mitigation Measure BIO-1, which requires surveys for and avoidance of black salamanders during construction, would further reduce the potential for impact to this species.
- i. Implementation of the 2005 LRDP could damage or destroy an archaeological resource as the result of grading, excavation, ground disturbance or other project development: LRDP EIR Impact CULT-1 (addressed by LRDP Mitigation Measures CULT-1A)
- j. Implementation of the proposed 2005 LRDP could damage or destroy a historic building or structure as the result of alteration of the building or of the site, or other project development: LRDP EIR Impact CULT-2 (addressed by LRDP Mitigation Measure CULT-2B through CULT-2E, and UQA Mitigation Measures CULT-1A through CULT-1D)

- k. Implementation of the proposed 2005 LRDP could disturb human remains, including those interred outside of formal cemeteries: LRDP EIR Impact CULT-4 (addressed by LRDP Mitigation Measures CULT-4C and CULT-4D)
- l. Development under the 2005 LRDP has the potential to disturb or destroy unique paleontological resources: LRDP EIR Impact CULT-5 (addressed by LRDP Mitigation Measure CULT-5A, CULT-5C, and CULT-5D)
- m. Development under the 2005 LRDP could occur on a geologic unit or soil that would become unstable as a result of the project and could result in on- or off-site landslides, lateral spreading, or liquefaction, creating potential risks to life or property: LRDP EIR Impact GEO-1 (addressed by LRDP Mitigation Measure GEO-1)
- n. Campus development under the 2005 LRDP could potentially interfere physically with the campus's Emergency Operations Plan ("EOP"): LRDP EIR Impact HAZ-9 (addressed by LRDP Mitigation Measure HAZ-9A).
- o. Campus development under the 2005 LRDP could result in storm water runoff during construction, which could substantially degrade water quality: LRDP EIR Impact HYD-2 (addressed by LRDP Mitigation Measure HYD-2B)
- p. Campus development under the 2005 LRDP would alter drainage patterns in the Project area and increase the rate or amount of surface runoff, which could result in substantial siltation or erosion on or off site and increase the amount of urban pollutants in storm water runoff, thereby affecting water quality: LRDP EIR Impact HYD-3 (addressed by LRDP Mitigation Measures HYD-3C and HYD-3D).
- q. Construction of campus facilities pursuant to the 2005 LRDP could expose nearby sensitive receptors to excessive airborne noise but not to excessive groundborne vibration or groundborne noise: LRDP EIR Impact NOIS-1 (addressed by LRDP Mitigation Measure NOIS-1).

**C. Environmental Resources Areas with Less-than-Significant or No Impacts**

The Initial Study identified the following environmental resources areas in which the Upper Quarry Amphitheater Renovation Phase 1 Project would have less-than-significant adverse impacts or no adverse impacts. The University finds that, because CEQA requires mitigation measures only for potentially significant impacts, no mitigation is necessary for these environmental resource areas.

- a. **Agriculture:** Implementation of the Project would not convert farmland to non-agricultural uses, would not conflict with existing zoning for agricultural use or a Williamson Act contract, and would not involve other changes to the environment that could result in the conversion of farmland to non-agricultural uses. Implementation of the Project would result in conversion of timberland to non-timber uses, but this would not conflict with zoning or cause rezoning of land zoned Timberland Production or result in a significant loss of forest land. [Initial Study pages 26-27]
- b. **Greenhouse Gas Emissions:** The Project would not generate greenhouse

gas emissions that may have a significant effect on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. [Initial Study pages 53-56]

- c. **Land Use:** Implementation of the Project would not physically divide an established community; conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; conflict with any applicable habitat conservation plan or natural community conservation plan; or result in development of land uses that are substantially incompatible with existing adjacent land uses or with planned uses. [Initial Study page 63]
- d. **Mineral Resources:** The Project would not result in the loss of availability of mineral resources. [Initial Study page 63]
- e. **Population and Housing:** The Project would not induce population growth, displace existing housing or people, or create demand for housing. [Initial Study page 67]
- f. **Public Services:** The Project would not create demand for public services which could result in adverse physical impacts associated with provision of new or physically altered governmental facilities. [Initial Study page 68]
- g. **Recreation:** The Project would not increase demand for recreational facilities, does not include recreational facilities, and would not require the construction or expansion of recreational facilities. [Initial Study page 69]
- h. **Traffic, Circulation and Parking:** The Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system; conflict with an applicable congestion management program; result in a change in air traffic patterns; or result in inadequate emergency access. [Initial Study pages 70-72]
- i. **Utilities and Service Systems:** The Project would not create new demand for utilities and therefore does not have the potential to result in significant impacts related to utilities. [Initial Study pages 73-75]

### III. ADDITIONAL INFORMATION

#### A. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Initial Study and Mitigated Negative Declaration for the Upper Quarry Amphitheater Renovation Phase 1 Project; the LRDP; the LRDP EIR; the LRDP Mitigation Monitoring and Reporting Program; and the Findings and Statement of Overriding Considerations adopted by the University in connection with its approval of the LRDP. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, Project-specific and cumulative impacts, the basis for determining the significance of impacts, and the reasons for approving the Project.

#### B. Mitigation Monitoring and Reporting Program

Pursuant to Code of Regulation, title 14, section 15097, the University is adopting (concurrently with these findings) a Project-specific Mitigation Monitoring and Reporting Program (“MMRP”) for the mitigation measures that the University has made a condition of Project approval, as well as any revisions to the Project that the University has required, in order to mitigate

or avoid significant effects on the environment. The Project-specific MMRP includes details of the timing and responsibilities for completing the identified mitigation measures. In addition, the Project incorporates all applicable mitigation measures contained in the LRDP EIR Mitigation Monitoring and Reporting Program. All relevant LRDP EIR mitigation measures identified in the Initial Study and MND will be monitored through the LRDP EIR's Mitigation Monitoring and Reporting Program, adopted by the University in connection with its approval of the LRDP.

**C. Record of Proceedings**

Various documents and other materials constitute the record of proceedings upon which the University bases its findings and decisions contained herein. Documents related to this Project and the record of proceedings for the LRDP's approval are located at the offices of UC Santa Cruz Physical Planning and Construction, in Barn G on the UC Santa Cruz main campus. The custodian for these documents is UC Santa Cruz Physical Planning and Construction.

**D. Adequacy of Prior Environmental Review**

All of the environmental effects of the Upper Quarry Amphitheater Renovation Phase 1 Project have been adequately addressed in prior environmental documentation and: (1) have been mitigated or avoided, or (2) have been examined at a sufficient level of detail in the prior environmental documentation to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the Project

The Project is consistent with the LRDP, and the LRDP EIR and Initial Study adequately address the regional or area-wide cumulative impacts of the Project. These Findings reaffirm all of the findings for the LRDP EIR certification and LRDP approval.

**IV. APPROVAL**

The University hereby takes the following actions:

- A.** The University adopts the Mitigated Negative Declaration for the Upper Quarry Amphitheater Renovation Phase 1 Project.
- B.** The University approves and incorporates into the Project all Project elements, all mitigation measures described in the Project-specific Mitigation Monitoring and Reporting Program, and all applicable LRDP EIR mitigation measures identified in these Findings and more specifically described in the Initial Study and LRDP EIR.
- C.** The University adopts these Findings in their entirety, as set forth herein.
- D.** Having independently reviewed and analyzed the whole record of CEQA documents related to this Project, including the Initial Study, the Mitigated Negative Declaration, and all comments received on these documents, and having adopted its Findings, the University approves the design of the Upper Quarry Amphitheater Renovation Phase 1 Project.