

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE DESIGN OF THE
UNIVERSITY OF CALIFORNIA, MERCED 2020 PROJECT AND AMENDMENT OF
THE 2009 LONG-RANGE DEVELOPMENT PLAN AT THE UNIVERSITY OF
CALIFORNIA, MERCED CAMPUS**

I. INTRODUCTION AND BACKGROUND

The University of California (“University”) plans to expand its Merced campus (“UC Merced” or “campus”) to meet the objectives of its 2009 Long Range Development Plan (“2009 LRDP”), as amended, and the UC Merced 2020 Project (the “UCM 2020 Project” or “Project”). The 2009 LRDP guides the overall development of the campus such that it may eventually support a projected student body of 25,000 full-time-equivalent (“FTE”) students on up to 815 acres of land in Merced County. As a subset of the long-term vision of the 2009 LRDP, the UCM 2020 Project specifically contemplates development that will allow the campus to comprise up to 2.5 million square feet of total building space, thereby accommodating up to 10,000 FTE students.

Currently, UC Merced has completed construction of “Phase 1” of the campus, which provides facilities that supports an enrollment of up to 6,700 FTE students. The UCM 2020 Project, also known as “Phase 2” of the campus’s development, will enable the campus to reach the capacity of approximately 9,793 FTE students. The necessary facilities will include buildings and other areas devoted to a variety of uses, including the following: academics, administration, research, indoor and outdoor recreation, student residences (approximately 4,800 beds on campus at completion of Phase 2), student services, utilities, infrastructure, roadways, parking, and landscaping. The University anticipates delivering the UCM 2020 Project through a single, integrated, planned development in partnership with a private developer.

As explained in greater detail below, the University is now approving the design of the UCM 2020 Project and revising certain elements of the 2009 LRDP and the UCM 2020 Project as compared to previous iterations of the 2009 LRDP and UCM 2020 Project that the University analyzed in prior environmental documentation.

A. California Environmental Quality Act Review Process

As the lead agency pursuant to the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (“CEQA”), and California Code of Regulations, title 14, sections 15000 *et seq.* (“CEQA Guidelines”), the University prepared a final environmental impact statement/environmental impact report (“EIS/EIR” or “2009 LRDP EIS/EIR”) (State Clearinghouse No. 2008041009) for UC Merced’s 2009 LRDP. The 2009 LRDP EIS/EIR, in addition to functioning as a programmatic EIR for the campus’s long-range development, included a project-level analysis of the UCM 2020 Project. In March 2009, The Board of Regents of the University of California (“The Regents”) certified that the University had completed the EIS/EIR in compliance with CEQA and adopted findings and a statement of overriding considerations in connection with approval of the 2009 LRDP. Those findings and statement of overriding considerations are fully incorporated herein by reference.

In 2013, the campus proposed and received approval of an amendment to the 2009 LRDP, which the University analyzed through an addendum (“Addendum #6”) to the EIS/EIR. That

amendment involved changes to the 2009 LRDP text and land use diagrams and accomplished the following: (1) redefinition of campus districts and neighborhoods to create a better planning framework and to identify a new Central Campus District; (2) addition of a new land use designation known as “Campus Mixed Use” (“CMU”), which was applied to a portion of the Central Campus District; (3) clarification of which areas within the Central Campus District would remain in residential use, student services, passive open space, and recreational use; (4) addition of a transportation buffer in the Central Campus District along the eastern side of Lake Road to ensure that future development does not preclude transportation improvements; and (5) minor revisions to the planned on-campus circulation system to provide additional access to the Central Campus District. After consideration of Addendum #6, the Regents approved the proposed LRDP amendment on May 15, 2013. The findings adopted in support of that approval are fully incorporated herein by reference.

Subsequent to the approval of the amendment to the 2009 LRDP described above, UC Merced continued its planning efforts and issued a request for proposals from developers that could design, build, finance, operate, and maintain the UCM 2020 Project. The University is still finalizing an agreement with the UCM 2020 Project developer, but, through this process, the University has determined that the 2009 LRDP and UCM 2020 Project require further revisions (hereinafter collectively referred to as the “UCM 2020 Project Changes”) in order to implement the UCM 2020 Project as now conceptualized. The University has prepared another addendum to the EIS/EIR (“Addendum #7”) to analyze whether the UCM 2020 Project Changes would necessitate additional CEQA review prior to approval of the Project’s design.

The 2009 LRDP EIS/EIR, Addendum #6, and Addendum #7 provide the basis for the University’s findings herein (“Findings”) as they relate to the environmental impacts of the UCM 2020 Project.

B. Features of the UCM 2020 Project

As described above, the Project will enable the UC Merced campus to construct the necessary infrastructure and capital facilities, comprising approximately 2.5 million square feet of building space, to accommodate enrollment growth to 10,000 FTE students. The University will accomplish the development, financing, operation, and maintenance of the Project through a partnership with a private development consortium, and the University is currently finalizing the agreement that will guide this partnership.

The site of the UCM 2020 Project currently encompasses three parking lots, an informal recreational field, undeveloped grazing land located in Merced County, and remnant features from a now closed golf course that pre-dated the campus’s development. The Project will be located roughly south of and directly adjacent to the existing UC Merced campus.

Consistent with the planning and design principles articulated in UC Merced’s 2015 Physical Design Framework, the site plan for the Project will use building arrangement and programming to facilitate the development of dynamic, mixed-use academic and student-focused spaces that support the University’s goals of promoting interaction and collaboration across disciplines. The site plan’s noteworthy strategies include:

- Building siting, structures, and materials that actively respond to Merced's climate by creating shade as well as following the precedent established by existing campus building designs;
- A network of open spaces and a series of outdoor venues designed to support outdoor eating, meetings, conversation, and group study opportunities;
- A mixed-use layout that provides new opportunities for dining and student life, as well as support for a variety of collaborative activities and unplanned casual interactions;
- A circulation network that enables bike paths, transit, pedestrians, and vehicles to coexist while also connecting to the existing campus;
- A site grading approach that uses berms and longitudinal pathways to address elevation changes;
- A configuration approach that minimizes interference with the site's natural drainage patterns; and
- Landscape design that blends with the existing campus and the natural landscape surrounding the campus.

The overall conceptual design of the UCM 2020 Project facilities is based on a rigorous set of functional and performance-based criteria developed by campus stakeholders and experts. Aesthetically, a key factor for all facilities during the design process is the application of a consistent and cohesive approach to color, materials, and architectural expression, which will also enable the Project to connect to the existing campus.

The design will orient the exterior perspective of the proposed facilities to reduce urban heat effects and to ensure user comfort. Both the fenestration and the vocabulary of selected materials will illustrate strategies to reduce solar glare into or onto adjoining buildings, streets, and pedestrian walkways yet still allow natural light into the building interiors. Service access areas will be arranged to minimize their impact on circulation and to prevent unsafe conflicts with pedestrians.

Within the UCM 2020 Project's facilities, vertical circulation elements will enhance academic and social activity. To promote a lively environment, engaging and high-traffic programming elements will be located at the ground level with direct accessibility to outdoor circulation. Among all categories of space illustrated in the conceptual floor plan layouts, the unifying theme, as aligned with the 2015 Physical Design Framework, is a focus on flexibility and the adaptability of the design for multiple concurrent uses in order to minimize the cost of future changes in programmatic uses and configuration. The Project will accomplish this objective through careful attention to the orientation of walls, columns, doors, windows, openings, and major built-in equipment.

The buildings constructed as part of the Project will utilize durable materials consistent with applicable design requirements and sympathetic to each other and the existing campus. Responding to the surrounding built environment, exterior colors will be selected from a mostly neutral palette with color accents, and durable, low-maintenance materials, including cement plaster, precast concrete, and glass.

The UCM 2020 Project will comprise a variety of land uses consistent with the vision of expanding the campus's capacity, including teaching and research facilities (*e.g.*, wet and dry laboratories and classrooms), housing (approximately 1,700 beds in four residential buildings), dining halls, recreational facilities (*e.g.*, a competition-level pool and playing field), landscaped areas,

and support facilities such as pedestrian and bicycle paths, a transit center, parking, utilities, and storm water management features.

C. Description of UCM 2020 Project Changes

The proposed UCM 2020 Project Changes, which were analyzed in Addendum #7 and differ from previous iterations of the Project as analyzed in the 2009 LRDP EIS/EIR and Addendum #6, are as follows:

1. Change in Projected Enrollment Level and On-Campus Housing

Based on updated enrollment projections for the campus, the University has determined that the 2020 Project will provide facilities that will serve an enrollment level of 9,793 FTE students, instead of approximately 10,000 FTE previously projected through 2020. Based on this revised enrollment level, the 2020 Project would construct additional student housing such that at buildout there would be approximately 4,807 student beds on the campus, instead of 5,000 student beds previously planned for an enrollment level of 10,000 FTE.

2. Filling of North Basin and South Basin

The UCM 2020 Project site contains two existing storm water detention basins. Known as “North Basin” and “South Basin,” these basins were built as water hazard features for the Merced Community Golf Course, which was located on the Phase 1 portion of the campus site prior to the establishment of the campus. In March 2002, the University acquired this property and has utilized both basins as storm water detention facilities. In addition to storm water inflow, to maintain the water level and water quality for aesthetic and sanitation purposes (algae and odor control) in North Basin, the University pumps well water into and aerates the basin. North Basin is maintained at spillway elevation. South Basin is much smaller and shallower and, while storm water from the campus also discharges into this basin, the campus pumps no supplemental groundwater into South Basin, and the basin dries out periodically.

The UCM 2020 Project Changes will result in the complete filling of South Basin and partial filling and alteration of the edge of North Basin. These actions will allow for the development of campus facilities on and adjacent to the current location of the basins. The University will retain a smaller North Basin as a site amenity, but the groundwater required to maintain the basin’s water level will be significantly reduced. The University will direct storm water instead to new storm water facilities located elsewhere on the UCM 2020 Project site.

2. Location of student housing in a mixed use neighborhood that may include sources of toxic air contaminant emissions

The CMU land use designation allows housing potentially to be located in proximity to wet laboratories and other possible toxic air contaminant (“TAC”) sources, such as generators and an expanded central plant. The University previously planned to locate residential land use areas in student housing neighborhoods further from academic areas that could include wet laboratories or other TAC sources.

4. Boundary change and construction of parking and a new entrance south of Bellevue Road

UC Merced proposes to revise the southern boundary of the Project site to add an approximately 27.65-acre area that the University will use to construct parking south of Bellevue Road. An equivalent number of acres will be removed from the Project site east of the Fairfield Canal. UC Merced will also construct a permanent entrance to this parking area on Lake Road approximately 500 feet south of the intersection of Bellevue Road and Lake Road. The entrance will also provide access to a proposed ancillary site (described below), and construction traffic will utilize the new entrance in order to prevent construction traffic at the existing campus entrance north of Bellevue Road. The area contemplated for these activities is part of the original 355-acre Phase 2 site evaluated in Volume 3 of the EIS/EIR.

5. Use of an ancillary site

The University proposes to use an approximately 29.17-acre site south of the new parking area as an ancillary site for logistics and staging for the duration of Project construction. The site will be fenced. As noted above, users will access the ancillary site via the new road entrance.

6. Land use designation change

The area comprising North Basin and surrounding land is currently designated Passive Open Space. The land immediately east of North Basin is designated Athletic/Recreation. Through the UCM 2020 Project Changes, the University will designate both of these areas as CMU. In addition, the University will designate the 27.65-acre area south of Bellevue Road as CMU. The application of the CMU designation will be consistent with the existing CMU designation that applies to the rest of the UCM 2020 Project site. This change in land use designation will not affect or alter any other aspect of the UCM 2020 Project, and the University will develop the same amount of building space and student housing as previously planned. No changes to roadways outside the campus boundaries will be necessary; and no changes to utilities will be required to serve the area proposed for re-designation.

6. Removal of transportation buffer overlay

As part of the 2013 LRDP amendment, the University approved a transportation buffer along the east side of Lake Road north of Bellevue Road to disallow the development of new buildings within that area. The University has since determined that such a buffer is neither necessary nor desirable. As part of the currently proposed LRDP amendment, the University will remove the transportation buffer overlay.

7. LRDP policy changes

To render the UCM 2020 Project, as currently conceptualized, consistent with the 2009 LRDP, the University will revise the following policies of the 2009 LRDP: the Communities/Land Use Policies (specifically, COM-1, COM-9, COM-11, COM-12, and COM-13); the Environments Policies (specifically, ENV-14); the Mobility Policies (specifically, MOB-16); and the Sustainability Policies (specifically, TZC-1, SUST-5, and SUST-6).

D. CEQA Legal Standards Applicable to Project Changes

The University analyzed the UCM 2020 Project's environmental impacts in the EIS/EIR, which the University certified in 2009. The University subsequently analyzed certain changes to the Project through Addendum #6, which the University considered in tandem with its approval of an amendment to the 2009 LRDP in 2013. As described above, the University has now prepared Addendum #7 to analyze additional revisions to both the 2009 LRDP and the UCM 2020 Project as evaluated in the EIS/EIR. The University must determine, considering the conclusions in Addendum #7, whether the currently proposed revisions require the preparation of any additional CEQA documentation.

Pursuant to CEQA Guidelines section 15162 ("section 15162"), no additional environmental review shall be prepared for a project unless the public agency with the next discretionary approval determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the conditions described in section 15162 has arisen, the public agency may

prepare an addendum if some changes or additions to an EIR are necessary. The University has evaluated the UCM 2020 Project Changes with respect to the section 15162 conditions and, as elaborated below, has determined that the preparation of an addendum to the 2009 LRDP EIS/EIR is appropriate.

II. FINDINGS REGARDING CEQA COMPLIANCE AND THE ENVIRONMENTAL EFFECTS OF THE UCM 2020 PROJECT

The University hereby adopts the following Findings pursuant to Public Resources Code sections 21081, 21081.6, and 21166 and CEQA Guidelines sections 15091, 15092, 15162, and 15164 in conjunction with the approval of the design of the UCM 2020 Project, as set forth in Section III, below.

A. Prior CEQA Documentation

The University finds that the 2009 LRDP EIS/EIR adequately evaluated all potential environmental effects of the UCM 2020 Project as then conceptualized and that the University properly certified the EIS/EIR in connection with its approval of the 2009 LRDP. The University further finds that Addendum #6 adequately evaluated the potential environmental effects of the LRDP amendment approved by the University in 2013.

B. CEQA Review of the UCM 2020 Project Changes through Addendum #7

The University finds that the UCM 2020 Project Changes do not trigger any of the criteria in section 15162 that would require the preparation of a subsequent EIR, supplement to the prior EIR, or negative declaration/mitigated negative declaration. For this reason, the University finds that the preparation of an addendum to the 2009 LRDP EIS/EIR was proper pursuant to CEQA Guidelines sections 15162 and 15164 because some changes or additions to the EIS/EIR are necessary, but none of the conditions described in section 15162 has occurred. The University further finds that Addendum #7 reflects its independent judgment and analysis and that Addendum #7 was completed in compliance with CEQA and the CEQA Guidelines.

The University finds that it has not proposed substantial changes in the UCM 2020 Project that would require major revisions of the 2009 LRDP EIS/EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As demonstrated in Addendum #7, the University finds that the UCM 2020 Project Changes will not generate new significant environmental effects, nor substantially increase the severity of significant effects identified and sufficiently addressed in the 2009 LRDP EIS/EIR.

The University finds that, since The Regents' certification of the 2009 LRDP EIS/EIR, no substantial changes have occurred with respect to the circumstances under which the UCM 2020 Project is undertaken that would require major revisions of the EIS/EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The University finds that no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the

2009 LRDP EIS/EIR's certification, shows any of the following: (1) the UCM 2020 Project will have one or more significant effects not discussed in the EIS/EIR; (2) significant effects previously examined will be substantially more severe than shown in the EIS/EIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the UCM 2020 Project, but the University declines to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives considerably different from those analyzed in the EIS/EIR would substantially reduce one or more significant effects on the environment, but the University declines to adopt the mitigation measure or alternative.

C. Environmental Impacts of the UCM 2020 Project

The 2009 LRDP EIS/EIR analyzed all potential environmental impacts of the UCM 2020 Project, and its conclusions and the University's findings relative to each resource category are elaborated below. The EIS/EIR's analysis of the UCM 2020 Project identified the potential for significant impacts related to the following resource areas: aesthetics, air quality, biological resources, cultural resources, geology and soils, global climate change, hazards and hazardous materials, noise, population and housing, public services and recreation, and transportation and traffic. The EIS/EIR determined that these potentially significant impacts will be reduced to less than significant levels with the inclusion of mitigation measures, except for certain impacts to aesthetics, air quality, global climate change, population and housing, and transportation and traffic.

Addendum #6 determined that the 2009 LRDP amendment then proposed and approved did not trigger any of the conditions described in section 15162 and therefore did not require additional CEQA documentation.

Addendum #7 analyzed only those resource areas that the UCM 2020 Project Changes will potentially affect. The University finds that Addendum #7's analysis indicates the inapplicability of any of the conditions described in section 15162, and the University therefore finds that the UCM 2020 Project Changes do not necessitate the preparation of additional CEQA documentation.

The University further finds that, with respect to each potentially significant effect: (1) changes or alterations have been required in, or incorporated into, the UCM 2020 Project which mitigate or avoid the significant effects on the environment; (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or (3) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIS/EIR.

The University's findings with respect to each resource category are below. More information on these impacts is available in the EIS/EIR and subsequent addenda, which the public may access at the address listed below. In adopting mitigation measures as set forth below, The Regents intends to adopt each of the mitigation measures recommended in the EIS/EIR and applicable to the UCM 2020 Project, and these mitigation measures are hereby made a condition of Project approval. Accordingly, if a mitigation measure recommended in the EIS/EIR has inadvertently been omitted from these Findings, that mitigation measure is hereby adopted and incorporated into the Findings below by reference. In addition, the findings below merely summarize the mitigation measures that the University will implement to address any potentially

significant effects of the Project; the full text of these mitigation measures resides in the EIS/EIR.

1. Aesthetics

Based on the analysis in the EIS/EIR, the University finds that:

- Impact AES-1: The Project will have a potentially significant impact on scenic vistas available from the campus, which will be reduced to a less-than-significant level through the implementation of UCM 2020 Project Mitigation Measure (“UCM 2020 MM”) AES-1 (see Volume 3, Draft EIS/EIR Page 4.1-4, Impact AES-1); the Project will have a potentially significant impact on views of the Sierra Nevada from Lake Yosemite Regional Park, which will be reduced to a less-than-significant impact through UCM 2020 MM AES-1 (see Volume 3, Draft EIS/EIR Page 4.1-4, Impact AES-1);
- Impact AES-2: The Project will have no impact on scenic resources (see Volume 3, Draft EIS/EIR Page 4.1-4).
- Impact AES-3: The Project will have a significant and unavoidable impact on the visual quality and character of the site and its surroundings, despite the implementation of UCM 2020 MM AES-2 (see Volume 3, Draft EIS/EIR Page 4.1-5, Impact AES-2).
- Impact AES-4: The Project will have a significant and unavoidable impact by creating a new source of light and glare in the Project’s vicinity, despite the implementation of UC Merced campus standards for site lighting (see Volume 3, Draft EIS/EIR Page 4.1-5, Impact AES-3).

Based on the analysis in Addendum #7 (see pg. 2), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant aesthetics impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to aesthetic impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines. The University further finds that the UCM 2020 Project Changes do not alter the conclusions in the EIS/EIR or the nature of potential impacts to aesthetic resources, nor will the UCM 2020 Project Changes increase the severity of impacts previously identified in the EIS/EIR. The University finds that no additional mitigation is feasible to address the significant and unavoidable aesthetic impacts of UCM 2020 Project implementation.

2. Agricultural Resources

Based on the analysis in the EIS/EIR, the University finds that:

- Impact AG-1: The Project will result in a less-than-significant impact with respect to the conversion of Important Farmland, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, because the University has already placed adequate acreage of Important Farmland under conservation easements that allow farming to continue (see Volume 3, Draft EIS/EIR Page 4.2-3, Impact AG-1);
- Impact AG-2: The Project will not substantially conflict with existing zoning for agricultural use or involve other changes that could result in conversion of Important Farmland to non-agricultural uses (see Volume 3, Draft EIS/EIR Page 4.2-2).

The University further finds that the UCM 2020 Project Changes do not involve agricultural resources and that no additional analysis of agricultural resources was necessary in Addendum #7.

3. Air quality

Based on the analysis in the EIS/EIR, the University finds that:

- Impact AQ-1: The development of the UCM 2020 Project will result in construction emissions, but those construction emissions will result in a less-than-significant impact on air quality (see Volume 3, Draft EIS/EIR Page 4.3-4, Impact AQ-1);
- Impact AQ-2: The Project will result in operational emissions that will have a significant and unavoidable impact by violating an air quality standard or contributing substantially to an existing or projected air quality violation with respect to reactive organic gases (“ROG”) and NO_x pollutants, despite the implementation of UCM 2020 MM AQ-2 (see Volume 3, Draft EIS/EIR Page 4.3-6, Impact AQ-2);
- Impact AQ-3: The Project will result in a significant and unavoidable impact by creating a cumulatively considerable net increase of criteria pollutants (ROG and NO_x) for which the Project region is in nonattainment status under an applicable federal or state ambient air quality standard, despite the implementation of UCM 2020 MM AQ-3 (see Volume 3, Draft EIS/EIR Page 4.3-8, Impact AQ-3);
- Impact AQ-4: The implementation of the Project will not expose any sensitive receptors to substantial pollutant concentrations of carbon monoxide (see Volume 3, Draft EIS/EIR Page 4.3-3);
- Impact AQ-5: The Project will not conflict with or obstruct implementation of the applicable air quality plan (see Volume 3, Draft EIS/EIR Page 4.3-4);
- Impact AQ-6: The Project will not create objectionable odors affecting a substantial number of people (see Volume 3, Draft EIS/EIR Page 4.3-3).

Based on the analysis in Addendum #7 (see pg. 12), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant air quality impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to air quality impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines. The University further finds that the UCM 2020 Project Changes do not alter the conclusions in the EIS/EIR or the nature of potential impacts to air quality, nor will the UCM 2020 Project Changes increase the severity of impacts previously identified in the EIS/EIR. The University finds that no additional mitigation is feasible to address the significant and unavoidable air quality impacts of UCM 2020 Project implementation.

4. Biological resources

Based on the analysis in the EIS/EIR, the University finds that:

- Impact BIO-1: The Project will not result in a net loss of wetland area of functions (see Volume 3, Draft EIS/EIR Page 4.4-3);

- Impact BIO-2: With the implementation of UCM MM BIO-2, the Project will result in less-than-significant impacts on special-status plant species (see Volume 3, Draft EIS/EIR Page 4.4-3);
- Impact BIO-3: The Project will not result in a substantial adverse effect on vernal pool species critical habitat (see Volume 3, Draft EIS/EIR Page 4.4-4);
- Impact BIO-4: The Project will not result in a substantial adverse effect on special-status invertebrate species due to the loss of vernal pool ecosystems (see Volume 3, Draft EIS/EIR Page 4.4-5);
- Impact BIO-5: The Project will not result in a substantial adverse impact on special-status amphibians dependent on vernal pool ecosystems, annual grasslands, and stock ponds due to the loss of these habitats (see Volume 3, Draft EIS/EIR Page 4.4-5);
- Impact BIO-6: The Project will not result in a substantial adverse impact on western pond turtle from the loss or disturbance of ponds and seasonal freshwater marsh communities (see Volume 3, Draft EIS/EIR Page 4.4-5);
- Impact BIO-7: The Project will not result in a substantial adverse impact on Swainson's hawk from the loss of suitable foraging habitat (see Volume 3, Draft EIS/EIR Page 4.4-5);
- Impact BIO-8: The Project will not result in a substantial adverse impact on special-status avian species from the loss of foraging habitat (see Volume 3, Draft EIS/EIR Page 4.4-6);
- Impact BIO-9: The Project will result in potentially significant impacts on nesting special-status bird species and non-special-status migratory birds and raptors, but those impacts will be reduced to less-than-significant impacts through the implementation of UCM 2020 MM BIO-9 (see Volume 3, Draft EIS/EIR Page 4.4-6);
- Impact BIO-10: The Project will not result in substantial adverse impacts to San Joaquin kit fox due to the loss of suitable residence and dispersal habitat (see Volume 3, Draft EIS/EIR Page 4.4-6).

Based on the analysis in Addendum #7 (see pg. 18), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant biological resources impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to biological resources impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines.

5. Cultural resources

Based on the analysis in the EIS/EIR, the University finds that:

- Impact CUL-1: The Project will not damage or destroy significant historic resources located within the Project's impact area because no such resources exist within the Project's impact area (see Volume 3, Draft EIS/EIR Page 4.5-2);
- Impact CUL-2: The Project could inadvertently unearth and damage buried cultural resources that were not identified during field surveys, but UCM 2020 MM CUL-2 will reduce this impact to a less-than-significant impact (see Volume 3, Draft EIS/EIR Page 4.5-2);

- Impact CUL-3: The Project could inadvertently unearth and damage buried human remains that were not identified during field surveys, but UCM 2020 MM CUL-3 will reduce this impact to a less-than-significant impact (see Volume 3, Draft EIS/EIR Page 4.5-2);
- Impact CUL-4: The Project could potentially disturb or destroy paleontological resources, but UCM 2020 MM CUL-4 will reduce this impact to a less-than-significant impact (see Volume 3, Draft EIS/EIR Page 4.5-3).

Based on the analysis in Addendum #7 (see pg.31), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant cultural resources impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to cultural resources impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines.

6. Geology and soils

Based on the analysis in the EIS/EIR, the University finds that:

- Impact GEO-1: The Project will not expose people or structures to risk of injury or structural damage from fault rupture (see Volume 3, Draft EIS/EIR Page 4.6-2);
- Impact GEO-2: The Project site could expose people or structures to risk related to ground shaking and seismically induced ground failure, but the implementation of UCM 2020 MM GEO-1 will reduce this potentially significant impact to a less-than-significant impact (see Volume 3, Draft EIS/EIR Page 4.6-3, Impact GEO-1);
- Impact GEO-3: The Project will cause less-than-significant impacts associated with landslides or other slope failure (see Volume 3, Draft EIS/EIR Page 4.6-2);
- Impact GEO-4: The Project will have a less-than-significant impact on the generation of soil erosion or sedimentation due to construction (see Volume 3, Draft EIS/EIR Page 4.6-2);
- Impact GEO-5: The Project will produce less-than significant impacts associated with expansive soils (see Volume 3, Draft EIS/EIR Page 4.6-3);
- Impact GEO-6: The Project will not include septic tanks or alternative wastewater disposal systems and therefore will have no impact related to such tanks or systems (see Volume 3, Draft EIS/EIR Page 4.6-3).

The University further finds that the UCM 2020 Project Changes do not alter the EIS/EIR's analysis of geology and soils and that no additional analysis of geology and soils was necessary in Addendum #7.

7. Hazards and hazardous materials

Based on the analysis in the EIS/EIR, the University finds that:

- Impact HAZ-1: The Project will not create a significant hazard to the public or to the environment through the routine transport, use or disposal of hazardous materials (see Volume 3, Draft EIS/EIR Page 4.7-2);

- Impact HAZ-2: The Project will have a less-than-significant impact with respect to the potential for reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (see Volume 3, Draft EIS/EIR Page 4.7-3);
- Impact HAZ-3: The Project will not involve hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and therefore will not have an impact associated with hazardous emissions or materials within one-quarter mile of a school (see Volume 3, Draft EIS/EIR Page 4.7-4);
- Impact HAZ-4: The Project will not be located on property that is on a list of hazardous material sites compiled pursuant to Government Code section 65962.5 and will not create a significant hazard to the public or to the environment as a result of such a listing (see Volume 3, Draft EIS/EIR Page 4.7-4);
- Impact HAZ-5: The Project will not be located within an airport land use plan or within two miles of a public airport or public use airport and will not, therefore, have any impact associated with proximity to airports (see Volume 3, Draft EIS/EIR Page 4.7-4);
- Impact HAZ-6: The Project will not result in a safety hazard for people residing or working in the Project area due to the Project's proximity to a private airstrip because all proposed development will comply with applicable Federal Aviation Administration and Caltrans Division of Aeronautics regulations and permits (see Volume 3, Draft EIS/EIR Page 4.7-4);
- Impact HAZ-7: The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and any impacts associated with such plans will be less than significant (see Volume 3, Draft EIS/EIR Page 4.7-5);
- Impact HAZ-8: The Project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires (see Volume 3, Draft EIS/EIR Page 4.7-5).

The University further finds that the UCM 2020 Project Changes do not alter the EIS/EIR's analysis of hazards and hazardous materials and that no additional analysis of hazards and hazardous materials was necessary in Addendum #7.

8. Hydrology and water quality

Based on the analysis in the EIS/EIR, the University finds that:

- Impact HYD-1: The Project would not result in discharges that would cause the City's Wastewater Treatment Plant to violate water quality standards or waste discharge requirements (see Volume 2, Draft EIS/EIR Page 4.8-33);
- Impact HYD-2: The Project's construction-related earth disturbing activities will result in soil erosion and sedimentation but the impact on water quality will be less than significant (see Volume 3, Draft EIS/EIR Page 4.8-6, Impact HYD-1);
- Impact HYD-3: The Project's dewatering activities during construction will not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials (see Volume 3, Draft EIS/EIR Page 4.8-3);
- Impact HYD-4: The development of the UCM 2020 Project will not substantially deplete groundwater supplies such that the production of existing nearby wells would

- drop to levels that would not support the planned uses (see Volume 3, Draft EIS/EIR Page 4.8-4);
- Impact HYD-5: The creation of new impervious surfaces as a result of the Project will not substantially interfere with groundwater recharge such that a net deficit of aquifer volume would occur (see Volume 3, Draft EIS/EIR Page 4.8-4);
 - Impact HYD-6: The Project could increase the amount of storm water runoff and alter existing draining patterns, increasing the risk of flooding downstream and in Cottonwood Creek and Fairfield Canal, but various storm water management features of the Project will prevent this impact from being potentially significant (see Volume 3, Draft EIS/EIR Page 4.8-8, Impact HYD-2);
 - Impact HYD-7: The Project will not substantially increase the amount of sediment and urban pollutants in site runoff and therefore will not result in water quality degradation (see Volume 3, Draft EIS/EIR Page 4.8-5);
 - Impact HYD-8: The Project will not expose people or structures to a significant risk of loss, injury, or death as a result of flooding, including flooding due to levee or dam failure (see Volume 3, Draft EIS/EIR Page 4.8-5).

Based on the analysis in Addendum #7 (see pg. 35), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant hydrology and water quality impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to hydrology and water quality impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines.

9. Land use and planning

Based on the analysis in the EIS/EIR, the University finds that:

- Impact LU-1: Development of the UCM 2020 Project will occur in an area on the periphery of existing development, surrounded by grazing land, and will not physically divide an established community (see Volume 3, Draft EIS/EIR Page 4.9-3);
- Impact LU-2: Development of the Project will not conflict with the 2000 Merced County General Plan, although the University is not subject to municipal jurisdiction with respect to the Project (see Volume 3, Draft EIS/EIR Page 4.9-3, Impact LU-1);
- Impact LU-3: Development of the Project will not conflict with the City of Merced General Plan, although the University is not subject to municipal jurisdiction with respect to the Project (see Volume 3, Draft EIS/EIR Page 4.9-3, Impact LU-2);
- Impact LU-4: Development of the Project would not result in land use designations that could result in incompatible land uses (see Volume 2, Draft EIS/EIR Page 4.9-24).

Based on the analysis in Addendum #7 (see pg. 43), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant land use and planning impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to land use and planning impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines.

10. Noise

Based on the analysis in the EIS/EIR, the University finds that:

- Impact NOI-1: Development of the UCM 2020 Project will increase traffic volumes on the local roadway network, which will increase ambient traffic noise levels at existing offsite noise-sensitive uses, but the extent of increase due to the Project will result in a less-than-significant impact and does not require mitigation (see Volume 3, Draft EIS/EIR Page 4.10-4, Impact NOI-1);
- Impact NOI-2: Daily operations and special events of the Project would not expose existing off-site and future on-site noise-sensitive receptors to elevated noise levels exceeding any threshold of significance (see Volume 3, Draft EIS/EIR Page 4.10-3);
- Impact NOI-3: Construction activities that will occur during the UCM 2020 Project could expose existing offsite and future noise-sensitive receptors to elevated noise levels, but the implementation of UCM 2020 MM NOI-2 will reduce this potentially significant impact to a less-than-significant impact (see Volume 3, Draft EIS/EIR Page 4.10-5, Impact NOI-2);
- Impact NOI-4: Project construction is not anticipated to include pile driving, and typical construction activities will not generate substantial levels of vibration, but if pile driving is required, some sensitive receptors could be impacted; the implementation of UCM 2020 MM NOI-2 will limit ground-borne vibration and prevent any significant impacts (see Volume 3, Draft EIS/EIR Page 4.10-5, Impact NOI-2);
- Impact NOI-5: The Project will not expose new, onsite, noise-sensitive land uses, such as residences, to noise levels exceeding any threshold of significance (see Volume 3, Draft EIS/EIR Page 4.10-7, Impact NOI-3).

Based on the analysis in Addendum #7 (see pg. 44), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant noise impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to noise impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines.

11. Population and housing

Based on the analysis in the EIS/EIR, the University finds that:

- Impact POP-1: Development of the UCM 2020 Project will induce substantial population growth in the City of Merced and in Merced County, creating a significant and unavoidable impact for which no mitigation measures are available (see Volume 3, Draft EIS/EIR Page 4.11-2, Impact POP-1).
- Impact POP-2: Development of the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (see Volume 3, Draft EIS/EIR Page 4.11-2)
- Impact POP-3: Development of the Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (see Volume 3, Draft EIS/EIR Page 4.11-2)

- Impact POP-4: Development of the Project would not result in disproportionate, adverse environmental effects on minority or low-income populations (see Volume 2, Draft EIS/EIR Page 4.12-20).

The University further finds that the UCM 2020 Project Changes do not alter the EIS/EIR's analysis of population and housing and that no additional analysis of population and housing was necessary in Addendum #7.

12. Public services and recreation

Based on the analysis in the EIS/EIR, the University finds that:

- Impact PUB-1: The UCM 2020 Project will require an expansion of the UC Merced Police Department's services and facilities, but the implementation of UCM 2020 MM PUB-1 will render any resulting impact less than significant (see Volume 3, Draft EIS/EIR Page 4.12-4, Impact PUB-1);
- Impact PUB-2: The Project will increase demand for fire protection services, however a new fire station would be constructed to serve northern Merced including the Project and thus impacts would be less than significant (see Volume 3, Draft EIS/EIR Page 4.12-3);
- Impact PUB-3: The UCM 2020 Project will attract new employees and some students with families, thereby increasing enrollment in local public schools, which could require the construction of new facilities with potential environmental impacts, but these impacts are speculative at this time, and developers of residential and non-residential projects will be required to pay school impact fees, thereby mitigating any impacts of increased school enrollment (see Volume 3, Draft EIS/EIR Page 4.12-5, Impact PUB-3);
- Impact PUB-4: Project will not substantially increase demand for library services in Merced County (see Volume 3, Draft EIS/EIR Page 4.12-3);
- Impact PUB-5: The Project will increase the use of Lake Yosemite Regional Park, which could accelerate the physical deterioration of park facilities, but the implementation of UCM 2020 MM PUB-2 will reduce this potentially significant impact to a less-than-significant impact (see Volume 3, Draft EIS/EIR Page 4.12-4, Impact PUB-2).

The University further finds that the UCM 2020 Project Changes do not alter the EIS/EIR's analysis of public services and recreation and that no additional analysis of public services and recreation was necessary in Addendum #7.

13. Traffic and transportation

Based on the analysis in the EIS/EIR, the University finds that:

- Impact TRANS-1: The UCM 2020 Project will not result in an exceedance of the level of service ("LOS") threshold along local roadway segments under the Existing Plus UCM 2020 Project conditions (see Volume 3, Draft EIS/EIR Page 4.13-5, Impact TRANS-1); the LOS at three of the intersections analyzed in the EIS/EIR could deteriorate to unacceptable levels under Existing Plus UCM 2020 Project conditions, but the University will implement UCM 2020 MM TRANS-2 to monitor traffic growth and pay

the University's proportional share of the cost of required improvements, which would mitigate the University's contribution to the LOS decline; however, because the construction of the requirement improvements is within the jurisdiction of other public agencies, the University cannot ensure that these improvements will be constructed, and the impact could remain significant and unavoidable, despite the University's mitigation (see Volume 3, Draft EIS/EIR Page 4.13-5, Impact TRANS-2); the Project could result in an exceedance of the LOS threshold along local roadway segments under the 2020 Plus UCM 2020 Project conditions, but the University will implement UCM 2020 MM TRANS-2 to monitor traffic growth and pay the University's proportional share of the cost of required improvements, which would mitigate the University's contribution to the LOS decline; however, because the construction of the requirement improvements is within the jurisdiction of other public agencies, the University cannot ensure that these improvements will be constructed, and the impact could remain significant and unavoidable, despite the University's mitigation (see Volume 3, Draft EIS/EIR Page 4.13-7, Impact TRANS-3); the LOS of the intersections analyzed in the EIS/EIR will not deteriorate to unacceptable levels under the 2020 Plus UCM 2020 Project conditions, given standard assumptions regarding planned improvements and signal optimization (see Volume 3, Draft EIS/EIR Page 4.13-8, Impact TRANS-4).

- Impact TRANS-2: The Project will increase the demand for regional and local transit services, however 2009 LRDP policies provide for a campus street system designed to meet the travel time and maneuvering requirements for transit vehicles and impacts would be less than significant (see Volume 3, Draft EIS/EIR Page 4.13-3);
- Impact TRANS-3: The Project will generate pedestrian and bicycle travel in higher concentration and amount than found in other parts of the country, however LRDP policies provide for ongoing coordination with neighboring jurisdictions and regional agencies to manage traffic growth and coordinate timely implementation of bicycle and pedestrian systems and services and impacts would be less than significant (see Volume 3, Draft EIS/EIR Page 4.13-4);
- Impact TRANS-4: The Project will not generate off-site "spillover" parking that would affect nearby areas (see Volume 3, Draft EIS/EIR Page 4.13-4);
- Impact TRANS-5: The Project's roadway network system will be adequately sized and designed to facilitate emergency access vehicles (see Volume 2, Draft EIS/EIR Page 4.13-76).

Based on the analysis in Addendum #7 (see pg. 50), incorporated herein by reference, the University finds: that the UCM 2020 Project Changes will not result in any significant traffic and transportation impacts that the EIS/EIR did not already adequately examine and mitigate wherever necessary and feasible; and that, with respect to traffic and transportation impacts, the UCM 2020 Project Changes meet the criteria for the preparation of an addendum pursuant to the CEQA Guidelines.

14. Utilities and service systems

Based on the analysis in the EIS/EIR, the University finds that:

- Impact UTILS-1: The Project would generate demand for potable water that would be met with existing resources (see Volume 2, Draft EIS/EIR Page 4.14-23, Impact UTILS-1)

- Impact UTILS-2: The Project-related demand for potable water for indoor and outdoor uses will require the construction of new water supply and conveyance facilities, but the University is required to pay a fee for the provision of such facilities, and such fees include the cost of environmental mitigation measures, thereby rendering the Project's impact less than significant (see Volume 3, Draft EIS/EIR Page 4.14-4, Impact UTILS-1);
- Impact UTILS-3: The Project's demand for wastewater conveyance and treatment facilities will not exceed the existing capacity of the City of Merced's wastewater treatment infrastructure and will not, therefore, produce a potentially significant impact; furthermore, the University is required to pay a fee for the provision of such facilities, and such fees include the cost of environmental mitigation measures, which would address any potential environmental impacts of the Project if any offsite improvements do become necessary (see Volume 3, Draft EIS/EIR Page 4.14-5, Impact UTILS-2).
- Impact UTILS-4: The Project's solid waste generation would not require the expansion of the Highway 59 Landfill (see Volume 3, Draft EIS/EIR Page 4.14-4);
- Impact UTILS-5: Development of the Project would not require the extension of a power line or natural gas line (see Volume 3, Draft EIS/EIR Page 4.14-4).

The University further finds that the UCM 2020 Project Changes do not alter the EIS/EIR's analysis of utilities and service systems and that no additional analysis of utilities and service systems was necessary in Addendum #7.

15. Global Climate Change

Based on the analysis in the EIS/EIR, the University finds that:

- Impact GCC-1: The implementation of the 2009 LRDP, including the UCM 2020 Project, will impede or conflict with the emissions reduction targets and strategies prescribed in or developed to implement AB 32; the University will implement UCM 2020 MM GCC-1 to address this impact, but the impact may remain significant and unavoidable even after mitigation (see Volume 3, Draft EIS/EIR Page 4.15-1).

The University further finds that the UCM 2020 Project Changes do not alter the EIS/EIR's analysis of global climate change and that no additional analysis of global climate change was necessary in Addendum #7.

16. Other considerations

The University finds that the UCM 2020 Project may contribute incrementally to the cumulative impacts of development pursuant to the 2009 LRDP and that some of these cumulative impacts (including impacts in the following resource categories: aesthetics, agricultural resources, air quality, hydrology and water quality, utilities and service systems, and global climate change) will be significant and unavoidable, despite the University's willingness to implement all feasible mitigation measures (See Volume 3, Draft EIS/EIR Page 4.15-1). The University also finds that implementation of the 2009 LRDP will create significant irreversible environmental changes to which the UCM 2020 Project may contribute.

C. Analysis of Project Alternatives

The EIS/EIR analyzed alternatives to the UC Merced and University Community Project in which the UCM 2020 Project was included as one component. The University's analysis considered the specific objectives of the UCM 2020 Project, as follows: (1) construct the next set of buildings that support the projected enrollment growth and new programs that are anticipated to be established on the campus in the next 10 years; (2) construct buildings that are designed with enough flexibility to accommodate the growing University programs while providing state-of-the-art facilities for the growing campus population; and (3) develop facilities in a manner that promotes a logical development pattern for later phases of campus development. The UCM 2020 Project will also serve the objectives of the overall 2009 LRDP, which include the following: (1) meet enrollment demand; (2) serve historically underrepresented populations; (3) model environmental stewardship; (4) minimize costs; (5) maximize academic distinction; (6) create an efficient and vital teaching and learning environment; (7) attract high-quality faculty; (8) provide a high-quality campus setting; (9) accommodate student housing needs; (10) provide student support; (11) provide athletic and recreational opportunities; (12) ensure community integration; and (13) promote regional harmony. (See Volume 3, Draft EIS/EIR Page 5.0-1). In developing Project alternatives, the University considered all of these Project-specific and 2009 LRDP objectives, reviewed the significant impacts of the UCM 2020 Project, identified those impacts that could substantially be avoided or reduced through an alternative, and determined the appropriate range of alternatives to be analyzed.

The University finds that, pursuant to the analysis in the EIS/EIR, certain alternatives were considered but not evaluated in detail because they would not meet the University's objectives or would be infeasible for technical, environmental, or social reasons; those alternatives include the following: the 2002 LRDP Alternative (see Volume 3, Draft EIS/EIR Page 5.0-5) and the possibility of alternate offsite locations (see Volume 3, Draft EIS/EIR Page 5.0-5).

The EIS/EIR evaluated two alternatives in greater detail: the No Project Alternative and the Reduced Density Alternative. Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the University finds that both of these alternatives are infeasible and hereby rejects them for the following reasons. The University finds that the No Project Alternative would not result in impacts to any of the resource areas, but it would also not meet the University's stated need and purpose for the UCM 2020 Project and, as such, would not satisfy any of the University's objectives (see Volume 3, Draft EIS/EIR Page 5.0-6). The University finds that the No Project Alternative's failure to meet any of the University's objectives renders it infeasible.

The University finds that the Reduced Density Alternative, which would allow the campus to support a population of approximately 7,000 to 7,500 FTE students, would partially meet some of the University's objectives but is overall infeasible because of this alternative's failure to satisfy numerous objectives, including meeting enrollment demand, serving historically underrepresented populations, maximizing academic distinction, modeling environmental stewardship, attracting high-quality faculty, and creating an efficient and vital teaching and learning environment (see Volume 3, Draft EIS/EIR Page 5.0-10). Moreover, the University finds that the Reduced Density Alternative would not reduce many of the significant and unavoidable impacts of the Project's implementation, therefore substantially diminishing its utility as an alternative to eliminate significant environmental impacts (see Volume 3, Draft EIS/EIR Page 5.0-10).

The University finds that the No Project Alternative is the environmentally superior alternative because it would avoid many of the significant environmental impacts of the development that would occur under the UCM 2020 Project, but the University also finds that the

No Project Alternative is infeasible 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 EIS/EIR identified the Reduced Density Alternative as the environmentally superior alternative (see Volume 3, Draft EIS/EIR Page 5.0-15). The University finds that the Reduced Density Alternative would avoid some of the significant environmental impacts of the development that would occur through the Project, but many of the Project's significant and unavoidable impacts would remain significant and unavoidable through the Reduced Density Alternative and this alternative does not meet many of the basic project objectives and is therefore infeasible and undesirable.

For the foregoing reasons, the University declines to adopt the Project alternatives pursuant to CEQA Guidelines sections 15021(a) and 15126.6(c).

The University further finds that, since the certification of the 2009 LRDP EIS/EIR in 2009, no Project alternatives previously found infeasible have in fact become feasible and would substantially reduce one or more significant effects of the UCM 2020 Project or that any feasible alternatives considerably different from those analyzed in the EIS/EIR would substantially reduce one of more significant effects on the environment. Thus, the University finds that the preparation of Addendum #7 was proper with respect to the analysis of Project alternatives.

D. Additional Findings and Information

1. Incorporation by reference

These Findings incorporate by reference in their entirety the text of all CEQA documentation relevant to the UCM 2020 Project, including the 2009 LRDP EIS/EIR, Addendum #6, Addendum #7, and the findings adopted in support of the approval of the 2009 LRDP and subsequent LRDP amendment. Without limitation, this incorporation is intended to elaborate on the scope and nature of the UCM 2020 Project (including the UCM 2020 Project Changes), its potential environmental impacts, and the basis for determining the significance of the UCM 2020 Project's environmental impacts.

2. Mitigation monitoring and reporting

CEQA requires the lead agency to adopt a mitigation monitoring and reporting program ("MMRP") for changes to the project that it adopts or makes a condition of project approval, including mitigation measures intended to eliminate or reduce potentially significant impacts of the project, in order to ensure compliance during project implementation. The University hereby adopts the attached MMRP, proposed in tandem with the approval of the UCM 2020 Project's design, and finds that this MMRP includes all mitigation measures required to address potentially significant environmental effects of the Project.

3. Record of proceedings

Various documents and other materials constitute the record of proceedings upon which the University bases its Findings and decisions contained herein. Most documents related to the UCM 2020 Project and CEQA analysis thereof, as well as the custodian of the administrative record, are

located at UC Merced, Physical and Environmental Planning, 755 Suite M, East Yosemite Avenue, Merced, CA 95340.

D. Summary of Findings

The University finds that the CEQA documentation described herein reflects its independent judgment and analysis, and based on the foregoing Findings and the information contained in the administrative record, the University makes one or more of the following Findings with respect to the UCM 2020 Project. This list is not exhaustive and in no way supersedes the rest of the Findings described herein.

1. The UCM 2020 Project will generate the environmental impacts described above, as detailed in the EIS/EIR, Addendum #6, and Addendum #7, and with respect to any significant and unavoidable impacts of the Project, specific overriding economic, legal, social, technological, or other benefits of the 2009 LRDP and UCM 2020 Project outweigh such impacts of 2009 LRDP and UCM 2020 Project implementation.
2. None of the Project alternatives would sufficiently satisfy the basic Project objectives or otherwise be feasible.
3. The UCM 2020 Project Changes will not increase the severity of significant environmental impacts previously identified in the EIS/EIR and will not produce new potentially significant environmental impacts.
4. Since the certification of the EIS/EIR, no mitigation measures or alternatives previously found infeasible or considerably different from those analyzed in the EIS/EIR have become feasible or would substantially reduce one or more significant effects on the environment.
5. The implementation of all EIS/EIR mitigation measures relevant to the UCM 2020 Project, as well as all components of the UCM 2020 Project described in the CEQA documentation, is made a condition of approval.
6. All significant effects on the environment due to the implementation of the 2009 LRDP and UCM 2020 Project have been or will be eliminated or substantially lessened where feasible through EIS/EIR mitigation measures and continuing best practices adopted in connection with the University's approval of the 2009 LRDP.
7. All necessary changes or alterations to the UCM 2020 Project to mitigate or avoid significant environmental effects of the Project's implementation are incorporated into the Project, and all such changes and alterations that are within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other agency.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

If a lead agency cannot feasibly mitigate any significant environmental impacts of a project,

despite its willingness to accept all feasible mitigation measures or project alternatives, the lead agency must find, in order to approve the project, that “specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.” (Pub. Res. Code § 21081(b).) As demonstrated in the EIS/EIR and subsequent addenda and as discussed herein, the UCM 2020 Project will produce significant environmental impacts that the University cannot feasibly mitigate or the mitigation of which lies outside the University’s jurisdiction. The University therefore finds that, with respect to those impacts, as detailed below, specific overriding economic, legal, social, technological, or other benefits of the UCM 2020 Project outweigh its significant and unavoidable effects on the environment.

A. Impacts that Remain Significant and Unavoidable After Mitigation

The University finds that the following impacts of the UCM 2020 Project remain significant, either in whole or in part, following adoption and implementation of the mitigation measures described in the 2009 EIS/EIR:

Aesthetics: The UCM 2020 Project will significantly affect the visual quality and character of the site and its surroundings. (See Volume 3, Draft EIS/EIR Page 4.1-5, Impact AES-2.) The UCM 2020 Project will introduce a new source of substantial nighttime light and glare in its vicinity. (See Volume 3, Draft EIS/EIR Page 4.1-5, Impact AES-3.)

Air Quality: The UCM 2020 Project’s operational emissions could exceed air quality thresholds. (See Volume 3, Draft EIS/EIR Page 4.3-6, Impact AQ-2.) The UCM 2020 Project will result in a net increase in pollutants in a nonattainment region. (See Volume 3, Draft EIS/EIR Page 4.3-8, Impact AQ-3.)

Population and Housing: The UCM 2020 Project will induce substantial population growth in the City of Merced and Merced County. (See Volume 3, Draft EIS/EIR Page 4.11-2, Impact POP-1.)

Transportation and Traffic: The UCM 2020 Project will result in an exceedance of the level of service threshold along local roadway segments under the “2020 Plus UCM 2020 Project” conditions. (See Volume 3, Draft EIS/EIR Page 4.13-7, Impact TRANS-3.)

Cumulative Impacts: The UCM 2020 Project will result in a change in visual quality and character, loss of scenic vistas, and generation of light and glare. (See Volume 2, Draft EIS/EIR Page 5.0-9, Cumulative Impact AES-1.) The Project would involve the conversion of undeveloped land to urban uses, resulting in the loss of important farmland. (See Volume 2, Draft EIS/EIR Page 5.0-12, Cumulative Impact AG-1.) The Project could hinder air quality attainment and maintenance efforts for criteria pollutants. (See Volume 2, Draft EIS/EIR Page 5.0-14, Cumulative Impact AQ-1.) The Project will not substantially interfere with groundwater recharge but will deplete groundwater supplies, resulting in an overdraft of the regional groundwater aquifer. (See Volume 2, Draft EIS/EIR Page 5.0-32, Cumulative Impact HYD-3.) The Project will substantially increase regional population. (See Volume 2, Draft EIS/EIR Page 5.0-46, Cumulative Impact SOC-1.) The Project will result in a substantial increase in demand for water, which could potentially result in significant environmental impacts. (See Volume 2, Draft EIS/EIR Page 5.0-48, Cumulative Impact UTIL-1.) The Project will result in a significant cumulative impact on wastewater collection and treatment facilities. (See Volume 2, Draft EIS/EIR Page 5.0-53, Cumulative Impact UTIL-2.) The

Project could result in a significant cumulative impact on regional landfill capacity even though the campus will implement recycling and other waste reduction measures consistent with UC Sustainable Practices policy. (See Volume 2, Draft EIS/EIR Page 5.0-56, Cumulative Impact UTIL-3.)

B. Overriding Considerations

In accordance with CEQA Guidelines section 15093, the University, in determining whether or not to approve the design of the UCM 2020 Project, has balanced the economic, social, technological, and other benefits of the Project against its unavoidable environmental risks and has found that, for the reasons set forth below, the benefits of the Project outweigh the Project's significant adverse environmental effects that the University cannot mitigate to less-than-significant levels. The University bases this statement of overriding considerations on the University's review of the 2009 EIS/EIR, Addendum #6, Addendum #7, and all other information in the administrative record. The benefits of the Project, which the University finds justify its approval despite significant and unavoidable environmental impacts, include the following:

- The development of the UCM 2020 Project will provide academic space and on-campus housing to meet the demands of a rapidly expanding campus population.
- The UCM 2020 Project will help meet the campus's commitments outlined in the 2009 LRDP. The 2009 LRDP envisions space for classrooms; instructional and research laboratories; undergraduate, graduate, and professional schools and programs; ancillary support facilities such as administrative facilities, libraries, performance and cultural facilities, clinical facilities, research institutes, conference facilities, and services supporting academic operations.
- The UCM 2020 Project advances the creation of a physical framework to support the teaching and public service mission of the University, including the academic facilities needed to develop a dynamic intellectual and social community and to provide educational opportunities for an increasingly diverse population.
- The development of the UCM 2020 Project will enable UC Merced to help the University of California address the campus's academic needs to sustain the projected campus enrollment demand, which will directly improve and expand access to higher education for the residents of the San Joaquin Valley and the State of California as a whole.
- The UCM 2020 Project will constitute a significant economic benefit to the San Joaquin Valley, historically one of the state's most economically challenged regions. Each dollar spent locally by UC Merced in construction, procurement and staffing cycles through the region's economy, will generate additional income and employment.

Considering all factors, the University finds that there are specific economic, legal, social, technological, and other considerations associated with the implementation of the UCM 2020 Project that outweigh the UCM 2020 Project's contribution to significant and unavoidable environmental effects, and the University therefore determines those effects to be an acceptable consequence of approving the Project's design.

IV. APPROVALS

Following an independent review and consideration of the administrative record, including Addendum #7 and the 2009 LRDP EIS/EIR, the University hereby proposes to take the following actions:

1. Adopt these Findings in their entirety, as set forth above;
2. Adopt the MMRP attached hereto and make the implementation of all applicable mitigation measures described in the EIS/EIR a condition of Project design approval;
3. Approve the LRDP amendments; and
2. Approve the design of the UCM 2020 Project.