

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE
DESIGN AND CONSTRUCTION OF THE SPIEKER AQUATIC CENTER
UNIVERSITY OF CALIFORNIA, LOS ANGELES CAMPUS**

I. ADOPTION OF THE NEGATIVE DECLARATION

Pursuant to Title 14, California Code of Regulations, Section 15074(b), the Board of Regents of the University of California (The Regents), hereby finds that the Negative Declaration and the Initial Study prepared for the proposed Spieker Aquatic Center (the Project) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The Regents further finds that it reviewed and considered the information contained in the Negative Declaration and Initial Study, and any comments on these documents prior to approving the design of the project. The Regents hereby finds that the Negative Declaration reflects the independent judgment and analysis of the Regents and adopts the Negative Declaration.

II. FINDINGS

The Regents certifies that its Findings are based on a full appraisal of all information in the record, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Initial Study and Negative Declaration that are supported by substantial evidence in the record. The following Findings are hereby adopted by The Regents in conjunction with the approval of the Project, as set forth in Section III, below.

A. Background and Project Description

The University of California Los Angeles (UCLA) campus currently has four swimming pools that are used by students and recreation card holders for recreational activities and fitness programs; student-athletes involved in inter- and intramural sports; and families for special programming and summer camps. The existing pool and associated support facilities do not meet the current and future needs of the campus's aquatic sports programs, as discussed in Section 3 of the Initial Study, Purpose and Need for the Proposed Project. Additionally, the diving teams currently utilize the Rose Bowl Aquatic Center in Pasadena for diving practice and competitive events (25-mile distance from the UCLA campus).

A new deep-water competition swimming pool and related locker/shower facilities would provide the campus with a venue specifically designed for the special needs of its swimming, water polo, and diving programs. Such a facility would allow the campus to regain blocks of time at the existing pools and would accommodate unmet needs for recreational swimming, instructional classes, and student club water sport activities at those pools. Planning studies have shown that the Sunset Canyon Recreation Center (SCRC) would be the only viable location for such an aquatic facility due to limited land available for sports and recreational activities elsewhere on campus. Based on the existing configuration and type of facilities at the SCRC, a site for a new swimming pool adjacent to the SCRC entrance was identified.

The proposed project is fully described in Section 5 of the Initial Study. In summary, the proposed project would construct a competition swimming pool and diving facilities on a one-acre site at the SCRC in the Northwest zone of the campus. The site is currently developed with four upper level tennis courts and spectator seating. The project would also construct an approximately 6,000 gross square foot (gsf) one-story structure directly adjacent to the pool deck opposite the fixed bleacher seating to provide space for support facilities. Implementation of the Spieker Aquatic Center at the SCRC would displace existing basketball and tennis facilities which would be accommodated at other locations on-campus, including the Los Angeles Tennis Center (LATC), Drake Stadium and Parking Lot 13. The project would involve an extension of operation hours for tennis facilities at the SCRC and LATC.

Construction of the Spieker Aquatic Center is anticipated to extend approximately 12 months from January to December 2008. The new aquatic center and relocated basketball functions would be operated by existing staff and coaches and no increase in staffing is anticipated.

The project is consistent with the land use and population estimates described in the 2002 Long Range Development Plan (LRDP) and analyzed in the 2002 LRDP EIR certified in 2003. Additionally, the proposed project is consistent with the planning principles for the Northwest zone in that it provides additional recreational opportunities to support the increase in the on-campus student resident population and addresses additional and replacement of recreational facilities to serve the campus community.

B. Environmental Review Process

An Initial Study (State Clearinghouse No. 2007031020) was prepared for the Project in accordance with CEQA, the State CEQA Guidelines, and the University of California Procedures for Implementation of CEQA. The environmental analysis in the Initial Study is tiered from the UCLA 2002 LRDP EIR, in accordance with Section 15152 and 15168(c) of the CEQA Guidelines. The 2002 LRDP was approved and the accompanying 2002 LRDP EIR (State Clearinghouse No. 2002031115) was certified by The University of California Board of Regents on April 3, 2003. The 2002 LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzed the overall effects of campus growth and facility developments through academic year 2010–2011 and identified measures to mitigate the significant adverse project impacts and cumulative impacts associated with that growth.

As previously noted, the Project is consistent with the land use and population estimates described in the 2002 Long Range Development Plan (LRDP) and analyzed in the 2002 LRDP EIR. As a tiered document, the Initial Study for the project relies on the LRDP EIR for (1) a discussion of general background and setting information for environmental topic areas; (2) overall growth-related issues; (3) issues that were evaluated in sufficient detail in the LRDP EIR for which there is no significant new information or change in circumstances that would require further analysis; and (4) long-term cumulative impacts. The purpose of the Initial Study for the Project is to evaluate the potential environmental impacts of the Project with respect to the existing LRDP EIR analysis and to determine what level of additional environmental review, if any, would be required.

The Initial Study analyzed the potential impacts of the Project and the adequacy of the existing environmental analysis in the 2002 LRDP EIR with regard to the following environmental topic areas: (1) aesthetics, (2) agricultural resources, (3) air quality, (4) biological resources, (5) cultural resources, (6) geology and soils, (7) hazards and hazardous materials, (8) hydrology and water quality, (9) land use and planning, (10) mineral resources, (11) noise, (12) population and housing, (13) public services, (14) recreation, (15) transportation/traffic, and (16) utilities and services systems.

The analysis in the Initial Study incorporates all relevant 2002 LRDP EIR Programs, Practices and Procedures (PPs) and Mitigation Measures (MMs). Based on the project-specific analysis presented in the Initial Study, it was determined that for each topical issue the Project would have no impact or a less than significant impact (with incorporation as part of the project of all relevant mitigation measures and continuing adherence to adopted campus practices and procedures identified in the 2002 LRDP EIR). With the incorporation of the identified mitigation and campus practices and procedures, the project would not result in any potentially significant impacts and no additional project-specific mitigation measures are required.

It was also determined in the Initial Study that the project would result in no contributions or less than significant contributions to, and would not exceed significant LRDP and cumulative environmental impacts previously identified in the 2002 LRDP EIR. The Initial Study further concluded that the impacts of growth pursuant to the 2002 LRDP were adequately addressed in the 2002 LRDP EIR and that the Project (which does not involve an increase in students or staff) will not result in any new impacts that cannot be mitigated to less than significant levels, or increase the severity of any previously identified impacts. The Initial Study did not identify any significant new information or change in circumstances that would require further analysis pursuant to Section 15162 of the CEQA Guidelines. Based on this analysis, the University prepared a Negative Declaration that reflects these conclusions.

On March 2, 2007, the Draft Initial Study was submitted to the State Clearinghouse in the Governor's Office of Planning and Research and was released for public review establishing a 30-day review period concluding April 2, 2007. The Initial Study was provided to approximately 40 interested agencies and individuals, and was also made available on the UCLA Capital Programs website and at two on-campus libraries. Notices were posted at the project site as well as at locations proposed to accommodate replacement mini-basketball courts. Furthermore, several meetings with campus constituents concerned with the availability of tennis and basketball facilities, and impacts of relocated basketball activities on adjacent housing uses, were conducted. Changes in the project were made to address student concerns related to noise, aesthetics, parking and safety of the proposed basketball relocation. One e-mail comment letter was received during the public review period from an on-campus housing council group requesting among other things, that double-paned windows be installed on the housing units facing the proposed basketball location on a portion of Parking Lot 13. University responses to comments are contained in the Final Initial Study/Negative Declaration.

C. Relationship of the Project to the LRDP EIR

The 2002 LRDP EIR is a Program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.) and Section 21080.09 of the Public Resources Code. The 2002 LRDP EIR analyzed full implementation of uses and physical development proposed under the 2002 LRDP through the year 2010 to accommodate a projected total enrollment level of 37,829 full-time equivalent (FTE) students, and identified measures to mitigate the significant adverse project and cumulative impacts associated with that growth. The Project would not result in an increase to the campus population (student or staff), and accordingly, would not exceed the population increase projected in the 2002 LRDP EIR. Additionally, the Project is consistent with the campus development that was anticipated in the 2002 LRDP and evaluated in the 2002 LRDP EIR.

The Initial Study for the project is tiered from the 2002 LRDP EIR in accordance with Sections 15152 and 15168(d) of the CEQA Guidelines and Public Resources Code Section 21094. Based on the analysis presented in the Initial Study, with the 2002 LRDP PPs and MMs already being implemented, the project would have no impact or less than significant impacts for each topical issue. No project-specific mitigation measures are required or proposed.

D. Environmental Summary

The following sections summarize the environmental evaluation provided in the Initial Study for the proposed project.

1. Significant and Unavoidable Adverse Impacts Associated with the 2002 LRDP and Related Mitigation Measures

The Initial Study recognized significant and unavoidable adverse impacts associated with implementation of the 2002 LRDP, and identified related mitigation measures. All of these significant and unavoidable impacts that are discussed below were adequately analyzed in the 2002 LRDP EIR and were fully addressed by the Findings and Statement of Overriding Considerations adopted by The Regents in connection with approval of the 2002 LRDP and certification of the 2002 LRDP EIR.

Because the project is consistent with the growth assumptions identified 2002 LRDP, the cumulative impact analysis in the Initial Study relies on the 2002 LRDP EIR, which includes an analysis of campus development projected through 2010-11 in the 2002 LRDP and related cumulative development in the campus vicinity. The cumulative impact analysis from the 2002 LRDP EIR is incorporated by reference in the Initial Study pursuant to California Code of Regulations, Title 14, Section 15130(d).

The Initial Study identified that the Project would not result in any project-specific significant impacts, including air quality, noise and traffic impacts that were identified in the 2002 LRDP EIR as significant and unavoidable (discussed below). Additionally, the Initial Study identified that the Project would have no contribution or a less than significant contribution to significant unavoidable cumulative traffic and air quality impacts identified in the 2002 LRDP EIR.

The 2002 LRDP EIR identified mitigation measures that would reduce to the extent feasible, but not avoid, the identified significant and unavoidable adverse impacts. These mitigation measures were adopted as part of the approval of the 2002 LRDP and are currently being implemented. While no project-specific impacts have been identified and no new mitigation is required, the Initial Study identifies 2002 LRDP EIR PPs and MMs to be implemented as part of the project. 2002 LRDP EIR PPs and MMs are identified below and described in their entirety in the Initial Study.

Following is a discussion of the significant and unavoidable impacts resulting from growth allowed under the 2002 LRDP EIR and growth anticipated in the region. The Project is consistent with the growth projections assumed in the 2002 LRDP EIR.

a. Impacts on air quality from construction and operation could contribute to existing or projected air quality violations (LRDP Impacts 4.2-2 and 4.2-4).

The 2002 LRDP EIR identified the following significant and unavoidable adverse air quality impacts: (1) construction impacts resulting from peak daily emissions of NO_x, (2) operational impacts resulting from peak daily emissions of CO, VOC, and NO_x during the 12 week summer session, and (3) cumulative construction emissions resulting from daily emissions of criteria pollutants. The Initial Study identifies that potential construction-related and operational air emissions of CO, ROG (VOC), and NO_x for the proposed Project are not significant based on the established thresholds, and are consistent with the emissions identified in the 2002 LRDP EIR. The Project would not increase traffic during the summer session beyond that analyzed in the 2002 LRDP EIR, and construction of the Project would not occur at the same time as any other scheduled major construction projects.

Although no significant impacts have been identified for the Project, previously adopted 2002 LRDP EIR PPs and MMs (MM 4.2.2(a), MM 4.2.2(b), PP 4.2-2(a), PP 4.2-2(b), PP 4.2-2 (c), and PP 4.2-3)) will be implemented for the Project. Accordingly, with the inclusion of these PPs and MMs, the Project's air emissions and contribution to cumulative air emissions with respect to CO, ROG (VOC), and NO_x will be less than significant.

The significant unavoidable air quality impacts associated with implementation of the 2002 LRDP were adequately analyzed and addressed in the 2002 LRDP EIR and in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 2002 LRDP and certification of the 2002 LRDP EIR.

b. Construction-related noise and vibration impacts (LRDP Impacts 4.9-2, 4.9-8 and 4.9-9).

The 2002 LRDP EIR identified the following significant and unavoidable adverse noise impacts: (1) construction impacts resulting from on-campus groundborne vibration or groundborne noise levels, and (2) construction impacts resulting from an increase in on-campus ambient noise levels. The Initial Study identifies that potential construction-related noise impacts to on- and off-campus uses resulting from the Project would be less than significant. Based on the distance of construction

activities from sensitive receptors, established noise level and vibration criteria would not be exceeded. Additionally, there are no buildings with vibration sensitive equipment in the vicinity of the project.

Although no significant impacts from the Project were identified, previously adopted LRDP PPs and MMs related to construction and operation noise and vibration (PP 4.9-7[a and b], PP 4.9-8 [a-d] and PP 4.9-9) are incorporated into the proposed project to further reduce the Project's less than significant noise and vibration impacts.

The significant unavoidable construction related noise impacts associated with implementation of the 2002 LRDP were adequately analyzed and addressed in the 2002 LRDP EIR and in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 2002 LRDP and certification of the 2002 LRDP EIR.

c. Operational traffic impacts from an exceedence of the applicable LOS criteria during the regular and summer sessions, and construction impacts from truck trips (including project-specific and cumulative impacts) (LRDP Impacts 4.13-1, 4.13-2 and 4.13-3).

The 2002 LRDP EIR identified the following significant and unavoidable adverse traffic impacts:

- (1) Operational impacts resulting from an exceedence of the applicable level of service (LOS) criteria for vehicle trips during the regular session at five intersections during the AM peak hour.
- (2) Operational impacts resulting from an exceedence of the applicable LOS criteria for vehicle trips during the twelve-week summer session at four intersection during the AM peak hour, 11 intersections in the PM peak hour, and 10 intersection in both the AM and PM peak hours.
- (3) Construction impacts resulting from truck trips.
- (4) Operational impacts resulting from exceedence of the applicable LOS criteria would make a significant and cumulatively considerable contribution to cumulative impacts on traffic on local streets and intersections during both the regular and summer sessions.
- (5) Construction impacts resulting from exceedence of the applicable LOS criteria would make a significant and cumulatively considerable contribution to cumulative impacts on traffic on local streets and intersections during both the regular and summer sessions.

The Initial Study identifies that daily vehicle trips during the regular and summer sessions would not increase with the Project because there would not be an increase in the campus population, parking inventory or a substantial change in the daily activities on campus as a result of the Project. Additionally, large special aquatic events that could occur once or twice a year would typically be scheduled for non-peak hours, evenings and weekends when adequate parking is available and commuter traffic is reduced. The construction activities for the project would not overlap with other construction projects on campus or in the immediate vicinity, and the daily truck trips generated during construction of the project would not result in localized traffic impacts. Although no significant impacts from the Project were identified, previously adopted LRDP PPs and MMs related to traffic

(PP 4.13-1 [a and b], PP 4.13-3, PP 4.13-6, PP 4.13-7, PP 4.13-9 and MM 4.13-12) will be implemented for the proposed project. The Initial Study concluded that the traffic impacts from the project would be less than significant and would not contribute to significant and unavoidable traffic impacts from implementation of the 2002 LRDP identified in the 2002 LRDP EIR.

The significant unavoidable traffic impacts from implementation of the 2002 LRDP were adequately analyzed and addressed in the 2002 LRDP EIR and in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 2002 LRDP and certification of the 2002 LRDP EIR.

2. Significant and Potentially Significant Impacts that would be Mitigated to “Less than significant” Levels and Related Mitigation Measures

Based on the analysis presented in the Initial Study, with the incorporation of the identified LRDP mitigation measures and campus practices and procedures the Project would not result in any significant or potentially significant impacts and no project-specific mitigation measures are required.

3. Less than significant Impacts for Which Mitigation Measures have been Incorporated and Related Mitigation Measures

The Initial Study identifies the following less than significant impacts for which 2002 LRDP PPs and MMs measures have been incorporated as part of the project. Mitigation to further reduce less than significant impacts is not required by CEQA. The following summarizes the less than significant impacts and identifies relevant PPs and MMs that have been incorporated as part of the project. For a detailed description of the impacts, PPs and MMs discussed below please refer to the Initial Study.

a. Aesthetics

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR MM 4.1-2, MM 4.1-3(a and b), PP 4.1-1(a and c), and PP 4.1-2(a, b, d and e), the Project would have a less than significant impact for the following aesthetic issues: effect on a scenic vista, degrade the existing visual character or quality of the site and its surroundings, and create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

b. Air Quality

In addition to the less than significant air quality impact addressed previously, based on the analysis presented in the Initial Study, the Project would have a less than significant impact for the following air quality issues: expose sensitive receptors to substantial pollutant concentrations (caused by toxic air emissions), and create objectionable odors affecting a substantial number of people.

c. Biological Resources

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR MM 4.3-1(a-c), and PP 4.3-1(a-e), the Project would have a less than significant impact for the following biological resources issues: effect on sensitive species; effect on any riparian habitat or other sensitive natural community; interfere with the movement of fish or wildlife species, migratory wildlife corridors, or native wildlife nursery sites; and, conflict with local policies or ordinances protecting biological resources.

d. Cultural Resources

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR MM 4.4-3(a and b), MM 4.4-4(a and b), and PP 4.4-5, the Project would have a less than significant impact for the following cultural resources issues: adverse change in the significance of an archaeological resource pursuant to 15064.5; destroy a unique paleontological resource or site or unique geologic feature; disturb human remains.

e. Geology and Soils

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR PP 4.5-1(a-d), the Project would have a less than significant impact for the following geology and soils issues: exposure of people to seismic related hazards (e.g., fault rupture, strong seismic ground shaking, ground failure, landslides); substantial soil erosion or the loss of topsoil; unstable soils; and, expansive soils.

f. Hazards and Hazardous Materials

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR PP 4.6-1, PP 4.6-4, and PP 4.6-8(a and b), the Project would have a less than significant impact for the following hazards and hazardous materials issues: create a significant hazard through the routine transport, use, or disposal of hazardous materials; create a significant hazard through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; hazardous conditions within one-quarter mile of an existing or proposed school; located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a significant hazard; hazard from a private air strip (Academic Health Center helipad); impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and wildland fires.

g. Hydrology and Water Quality

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR PP 4.7-5, the Project would have a less than significant impact for the following hydrology and water quality issues: violate any water quality standards or waste discharge requirements; groundwater supplies; alter drainage patterns (resulting in erosion, siltation, flooding); exceed the capacity of storm drainage system or provide additional sources of polluted runoff; degrade water quality; failure of dam or levee; and inundation by seiche, tsunami, or mudflow.

h. Land Use and Planning

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR PP 4.8-1(a, c, e, f, h, and i), the Project would have a less than significant impact for the following land use and planning issues: land use incompatibilities between campus development and adjacent community land uses; and, conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project.

i. Noise

In addition to the less than significant noise impacts addressed previously, based on the analysis presented in the Initial Study, the Project would have a less than significant impact related to excessive noise levels from the Academic Health Center helipad.

j. Public Services

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR PP 4.11-1 and PP 4.11-2(a), the Project would have a less than significant impact related to fire protection and police protection.

k. Recreation

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR PP 4.12-1(a and b), the Project would have a less than significant impact from the increased use of recreational facilities. Additionally, the physical impacts of implementation of the recreational facilities proposed as part of the project are addressed in the Initial Study and are summarized herein. The Project would have no impacts or less than significant impacts for each topical issue.

l. Transportation/Traffic

In addition to the less than significant transportation/traffic impacts addressed previously, based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR MM 4-13-12, PP 4.13-1(a and b), PP 4.13-3, PP 4.13-6, PP 4.13-7, and PP 4.13-9, the Project would have a less than significant impact for the following transportation/traffic issues: exceedence of a level of service standard established by the Los Angeles Congestion Management Program; hazards due to a design feature; emergency access; parking capacity; and, conflict with adopted policies, plans or programs supporting alternative transportation.

m. Utilities and Service Systems

Based on the analysis presented in the Initial Study, with implementation of 2002 LRDP EIR PP 4.14-2(a-d, and g), PP 4.14-3, PP 4.14-6, and PP 4.14-10, the Project would have a less than significant impact for the following utilities and service systems issues: exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; construction of new or expansion of existing water, wastewater treatment, storm drain, or energy facilities; water supplies;

wastewater treatment facility capacity; landfill capacity; compliance with solid waste regulations; and energy consumption.

4. Issues for which the Project would have No Impact

Based on the analysis presented in the Initial Study, the Project would have no impacts for the following issues: agriculture; implementation of the Air Quality Management Plan; exposure of sensitive receptors to substantial pollutant concentrations; federally protected wetlands; conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other habitat conservation plan; historic resources; soils incapable of supporting septic tanks or alternative waste water disposal systems; safety or noise hazards associated with a public airport; flooding; divide an established community; mineral resources; population and housing; schools; and change in air traffic patterns. No mitigation measures, including PPs and MMs from the 2002 LRDP EIR, are required.

E. Additional Findings

1. These Findings incorporate by reference in their entirety the text of the Negative Declaration for the Project; the Final Initial Study prepared for the Project; the 2002 LRDP; and the 2002 LRDP EIR, Mitigation Monitoring Program, and the Findings and Statement of Overriding Considerations adopted by The Regents in connection with its approval of the 2002 LRDP. Without limitation, this incorporation is intended to elaborate on the scope and nature of Project and cumulative development impacts, related mitigation measures, and the basis for determining the significance of such impacts.
2. CEQA requires the Lead Agency approving a Project to adopt a monitoring program for changes to the Project that it adopts or makes a condition of Project approval in order to ensure compliance during Project implementation. The proposed project requires no project-specific mitigation measures and accordingly, no mitigation monitoring program would be required for the project. However, the campus continues to implement the PPs and MMs contained in the 2002 LRDP EIR Mitigation Monitoring Program. In this regard, all relevant 2002 LRDP EIR PPs and MMs identified in the Final Initial Study/Negative Declaration and incorporated into the Spieker Aquatic Center Project will be monitored pursuant to the existing 2002 LRDP EIR monitoring program previously adopted by The Regents in connection with its approval of the 2002 LRDP EIR.
3. Various documents and other materials constitute the record of proceedings upon which The Regents bases its findings and decisions contained herein. Most documents related to this Project are located in the office of Capital Programs, located at 1060 Veteran Avenue, Los Angeles, CA 90025. The record of proceedings for the 2002 LRDP approval is also located in the office of Capital Programs. The custodian for these documents is the office of Capital Programs.

4. The Regents hereby finds that, upon consideration of the record as a whole, there is no evidence before it that the Project has the potential for any new adverse effects on wildlife resources, or the habitat upon which the wildlife depends, not previously identified in the 2002 LRDP EIR. The Project site has no native vegetation and has previously been disturbed by construction of facilities and human activity. No threatened, endangered, or special status animals, and no habitat necessary to sustain such animals, have been found on the Project site, as reported in the Initial Study (see pages 37-43 of the Initial Study). Because the Project will have no impacts on wildlife as defined in Section 711.2 of the Fish and Game Code, the Project will not contribute to potential cumulative development impacts to such wildlife. The Regents hereby further finds, on the basis of substantial evidence in the record as a whole, that the presumption of adverse impacts to wildlife described in Section 753.5, Title 14, California Code of Regulations, has been rebutted.

F. Statement of Overriding Considerations

Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency “results in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the final EIR and/or other information in the record.” As stated in Section D.2 above, the proposed project would not result in any significant or potentially significant impacts. The project would have no impacts or less than significant impacts for each topical issue; and an Initial Study leading to a Negative Declaration has been prepared for the project. No unavoidable significant impacts have been identified for the project, and a Statement of Overriding Considerations is not required.

All of the significant and unavoidable air quality, noise and traffic impacts identified in the 2002 LRDP EIR were previously addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 2002 LRDP and certification of the 2002 LRDP EIR. Although the project would have no contribution or a less than significant contribution to these impacts, the 2002 LRDP EIR Findings and Overriding Considerations have been re-evaluated and are found to be current and valid.

Additionally, the proposed project would result in substantial benefits to the campus and is consistent with the planning principles for the Northwest zone in that it provides additional recreational opportunities for the on-campus student resident population and addresses additional and replacement of recreational facilities to serve the campus community.

G. Summary

Based on the foregoing Findings and the information contained in the record, The Regents have made the following Findings with respect to the Project:

1. There is no substantial evidence, in light of the whole record before the lead agency, that the project would result in any significant impacts, or that the

significant and unavoidable impacts of growth pursuant to the 2002 LRDP were not adequately addressed in the 2002 LRDP EIR.

2. The negative declaration reflects The Regent's independent judgment and analysis.
3. All 2002 LRDP EIR PPs and MMs relevant to the Project, as identified in the Initial Study, are made a condition of Project approval.

III. APPROVALS

The Regents hereby takes the following actions:

1. Adopts the Negative Declaration for the Project as described in Section I, above.
2. Adopts and makes a condition of the Project all Project elements and relevant 2002 LRDP EIR PPS and MMs identified in the Initial Study.
3. Adopts the Findings in their entirety as set forth in Section II, above.
4. Having adopted the Negative Declaration, independently reviewed and analyzed the Negative Declaration and Final Initial Study and any comments received on these documents, and adopted the Findings, the Regents hereby approves the design and construction of the Spieker Aquatic Center project for the UCLA Campus.