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# **Life Sciences Replacement Building Findings of Fact**

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SCH No. 2005031118

**University of California, Los Angeles**

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**September 2005**

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS  
IN CONNECTION WITH THE APPROVAL OF THE  
DESIGN OF THE LIFE SCIENCES REPLACEMENT BUILDING (LSRB)  
UNIVERSITY OF CALIFORNIA, LOS ANGELES CAMPUS**

**I. CERTIFICATION OF THE FINAL FOCUSED TIERED EIR**

Pursuant to Title 14, California Code of Regulations, section 15090, The Regents of the University of California (“The Regents”) certifies that the Final Focused Tiered Environmental Impact Report (“Final EIR”) for the Life Sciences Replacement Building (LSRB) Project (“the Project”) dated August 2005 has been completed in compliance with the California Environmental Quality Act, Public Resources Code sections 21000, *et seq.* (“CEQA”). The Regents further certifies that it has reviewed and considered the information contained in the Final EIR prior to approving the design for the LSRB Project as set forth below in Section III. As part of this certification, The Regents hereby finds that the Final EIR reflects the independent judgment of the University of California.

**II. FINDINGS**

The Regents certifies that its Findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR that are supported by substantial evidence in the record. The following Findings are hereby adopted by The Regents pursuant to Title 14, California Code of Regulations, sections 15091 through 15093, in conjunction with the approval of the Project, as set forth in Section III, below.

**A. Environmental Review Process**

**1. *Preparation of the EIR***

The Project analyzed in the Final EIR is fully described in Chapter 3 of the Draft EIR. The project involves the construction of a replacement laboratory building for the Life Sciences program of the College of Letters and Science. Work would involve demolition of the non-historic portion of Hershey Hall to create a site for construction of a five-story (plus basement), replacement laboratory building at the corner of Manning Drive and Charles E. Young Drive East on the UCLA campus. The building would provide approximately 185,000 square feet of laboratory and office space for the existing program including approximately 25,000 square feet for new life sciences research initiatives. These new research initiatives could involve an addition of approximately 30 individuals to the campus population. Following completion of the Life Sciences Replacement Building, Hershey Hall would be renovated in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. 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. Construction is anticipated to begin in 2006, with completion estimated by 2010–11.

A Tiered Initial Study and Focused Environmental Impact Report were prepared for the Project in accordance with CEQA, the State CEQA Guidelines, and the University of California Procedures for Implementation of CEQA. The analysis in the Final EIR is focused, based on the analysis and conclusions in the Initial Study following incorporation of all relevant 2002 LRDP EIR Programs, Practices and Procedures (PPs) and Mitigation Measures (MMs). The environmental analysis in the Final EIR is tiered from the UCLA 2002 LRDP EIR, in accordance with Section 15152 and 15168(c) of the CEQA Guidelines. In compliance with CEQA and the State Guidelines and University of California Procedures for Implementation of CEQA, the 2002 LRDP was approved and the accompanying 2002 LRDP EIR, State Clearinghouse No. 2002031115 (“LRDP EIR”), was certified by The University of California Board of Regents (The Regents) on April 3, 2003.

The Project is part of the physical development proposed in the 2002 LRDP; therefore, the environmental analysis for the Project is presented and analyzed within the context of the 2002 LRDP and incorporates by reference applicable portions of the 2002 LRDP EIR. 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.

The tiering of the environmental analysis for the Project allowed the EIR to rely 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 was to evaluate the potential environmental impacts of the Project with respect to the existing LRDP EIR analysis to determine what level of additional environmental review, if any, would be required in a focused project-specific EIR.

Based on the analysis in the Initial Study, the Final EIR analyzes the potential Project impacts and the adequacy of the existing environmental analysis in the LRDP EIR with regard to the following environmental topic areas: (1) aesthetics; (2) construction-related air quality; (3) cultural resources; (4) construction-related noise and vibration; and (5) construction-related transportation and circulation.

Based on the analysis contained in the Final EIR, it is determined that project-specific potentially significant impacts could result in the resource areas of (1) construction-related noise and vibration, and (2) construction-related traffic and circulation. Further analysis in the Focused Tiered Environmental Impact Report identified 2002 LRDP EIR as well as project-specific mitigation measures (for Cultural Resources) to reduce most potentially significant effects to less-than-significant levels. The mitigation measures identified in the Final EIR have been incorporated into the Project design and will be implemented in accordance with the Mitigation Monitoring Program, contained in Part 2 of the Final EIR. Those potentially significant effects that were not mitigated to less-than-significant levels were determined significant and unavoidable (see Section II.C below).

The transportation and circulation impact results from increased construction-related vehicle trips to and from the UCLA campus, resulting in delays along haul route intersections that were already operating at unacceptable levels of service. 2002 LRDP Programs, Practices, and Procedures (PPs)

would be implemented as part of the Project, but there are no feasible project-specific mitigation measures available that would reduce these impacts to a less-than-significant level. Impacts would remain significant and unavoidable.

The noise impacts result from exposure to excessive groundborne vibration or groundborne noise levels related to construction and a substantial temporary or periodic increase in ambient noise levels. 2002 LRDP Programs and Policies would be implemented as part of the Project, but there are no feasible project-specific mitigation measures available that would reduce these impacts to a less-than-significant level. Impacts would remain significant and unavoidable.

Based on the Final EIR, it is determined that for all other resource areas, the project would not result in any significant impacts that would not be mitigated to less-than-significant levels by previously adopted 2002 LRDP PPs, 2002 LRDP EIR MMs, or project-specific mitigation measures incorporated into the project, or are not sufficiently addressed by the 2002 LRDP EIR. The Tiered Initial Study and the Focused Tiered Environmental Impact Report determined that the Project may incrementally contribute to, but would not exceed, significant cumulative environmental impacts previously identified in the 2002 LRDP EIR.

The Draft Focused Tiered Environmental Impact Report was submitted to the State Clearinghouse in the Office of Planning and Research and circulated for a 45-day public review period beginning on May 27, 2005, and concluding on July 11, 2005. A public hearing was held on June 30, 2005 for the Draft Focused Tiered EIR. Two individuals presented comments at the public hearing. During the public review period, the document was reviewed by various state and local agencies, as well as by interested individuals and organizations. During and after the public review period, the campus received four comment letters; two from public agencies (Caltrans and the California Department of Toxic Substances Control), and two from individuals. The comments and the University's responses to those comments are included in the Final EIR.

## **2. *Absence of Significant new Information***

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5 further provides that “[n]ew information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Having reviewed the information contained in the Draft and Final EIR and in the administrative record as well as the requirements under CEQA Guidelines §15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, The Regents hereby finds that no new significant information was added to the EIR following public review and thus, recirculation of the EIR is not required by CEQA.

## B. Significant and Unavoidable Adverse Impacts and Related Mitigation Measures

The following section summarizes the significant and unavoidable adverse impacts of the LSRB (i.e. construction-related noise and vibration and traffic) identified in the Final EIR, and provides findings as to those impacts, as required by CEQA and the CEQA Guidelines. A full explanation of these environmental findings and conclusions is set forth in the Final EIR for the Project as well as the 2002 LRDP EIR from which the Final EIR for the Project is tiered and which is incorporated by reference. These Findings hereby incorporate by reference the analysis in the Final EIR supporting the Final EIR's findings and conclusions and in making these Findings, the Regents ratifies, adopts and incorporates the evidence, analysis, explanation, findings, responses to comments and conclusions of the Final EIR except where they are specifically modified by these Findings.

The Regents hereby adopts and incorporates as conditions of approval, the continued implementation of campus programs, practices, and procedures (PPs) and mitigation measures (MMs) set forth in the findings below to reduce or avoid the potentially significant and significant impacts of the LSRB.

### 1. Noise

- a. **Impact LSRB 4.4-1:** The proposed project construction could generate and expose persons to excessive groundborne vibration or groundborne noise levels. This is considered a significant impact

PP 4.9-2: The campus shall continue to notify research facilities located near approved construction sites of the planned schedule of vibration causing activities so that the researchers can take necessary precautionary measures to avoid negative effects to their research.

**FINDING:** The Regents finds that implementation of the LSRB would result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels during construction, and therefore this impact is significant. The Regents finds that although implementation of PP 4.9-2 represents the best management practice to reduce this impact, this PP would not ensure that thresholds related to groundborne vibration and groundborne vibration would not be exceeded, and this impact is significant and unavoidable. No project-specific mitigation is available.

- b. **Impact LSRB 4.4-2:** Construction of the proposed project would result in substantial temporary or periodic increases in ambient noise levels. This is considered a significant impact.

PP 4.9-8(a): To the extent feasible, construction activities shall be limited to 7:00 A.M. to 9:00 P.M. Monday through Friday, 8:00 A.M. to 6:00 P.M. on Saturday, and no construction on Sunday and national holidays, as appropriate, in order to minimize disruption to area residences surrounding the campus and to on-campus uses that are sensitive to noise.

PP 4.9-8(b): The campus shall continue to require by contract specifications that construction equipment be required to be muffled or otherwise shielded. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.

PP 4.9-8(c): The campus shall continue to require that stationary construction equipment material and vehicle staging be placed to direct noise away from sensitive receptors.

PP 4.9-8(d): The campus shall continue to conduct regular meetings with on-campus constituents to provide advance notice of construction activities in order to coordinate these activities with the academic calendar, scheduled events, and other situations, as needed.

**FINDING:** The Regents finds that implementation of the LSRB would result in substantial temporary or periodic increases in ambient noise levels; therefore, this impact is significant. The Regents finds that, although implementation of PPs 4.9-8(a), (b), (c), and (d) minimizes construction noise and vibration impacts, these PPs would not ensure that construction noise and vibration levels would not exceed thresholds, and this impact is significant and unavoidable. No project-specific mitigation is available.

## 2. *Transportation/Traffic*

- a. **Impact LSRB 4.5-1:** Construction activities associated with the LSRB would result in the generation of construction-related vehicle trips, which would impact traffic conditions along roadway segments and at individual intersections. This is considered a significant impact.

PP 4.13-3: UCLA Capital Programs will assess construction schedules of major projects to determine the potential for overlapping construction activities to result in periods of heavy construction vehicle traffic on individual roadway segments, and adjust construction schedules, work hours, or access routes to the extent feasible to reduce construction-related traffic congestion.

**FINDING:** The Regents finds that implementation of the LSRB will result in substantial generation of construction-related vehicle trips, which would impact traffic conditions along roadway segments and at individual intersections, and therefore this impact is significant. The Regents finds that, although implementation of PP 4.13-3 would reduce potential impacts associated with construction of the project, because of existing traffic in the project area, particularly at the Wilshire Boulevard/Veteran Avenue intersection, impacts would be significant and unavoidable. No project-specific mitigation is available.

**C. Significant and Potentially Significant Impacts that would be Mitigated to “Not Significant” or “Less-than-Significant” Levels and Related Mitigation Measures**

The Focused Tiered Initial Study identifies the following potentially significant impacts associated with the project (i.e.: aesthetics, construction-related air quality, and cultural resources) that would be reduced to “not significant” or “less-than-significant” levels by the implementation of 2002 LRDP EIR and/or project-specific mitigation measures. The associated mitigation measures are identified below.

**1. Aesthetics**

- a. Impact LSRB 4.1-1:** Implementation of the LSRB would not substantially degrade the visual character or quality of the project site and the immediately surrounding area. This is considered a less-than-significant impact.

MM 4.1-2: In conjunction with CEQA documentation required for each project proposal under the 2002 LRDP, a tree replacement plan shall be prepared and implemented. The tree replacement plan for each project shall include a 1:1 tree replacement ratio at the development site where feasible, and/or elsewhere within the campus boundaries where feasible. If it is not feasible to plant replacement trees at a 1:1 ratio within the campus boundaries, the tree replacement plan will include the planting of native shrubs in ecologically appropriate areas within the campus boundaries that would provide nesting, foraging, or roosting habitat for birds so that the replacement number of trees and shrubs will result in a 1:1 replacement ratio.

PP 4.1-2(a): Additions to, or expansions of, existing structures shall be designed to complement the existing architectural character of the buildings.

PP 4.1-2(b): The architectural and landscape traditions that give the campus its unique character shall be respected and reinforced. (This is identical to Land Use PP 4.8-1(f).)

PP 4.1-2(d): Projects proposed under 2002 LRDP shall include landscaping.

PP 4.1-2(e): The western, northern, and eastern edges of the main campus shall include a landscaped buffer to complement the residential uses of the surrounding community and to provide an attractive perimeter that effectively screens and enhances future development. (This is identical to Land Use PP 4.8-1(c).)

**FINDING:** The Regents finds that, with implementation of 2002 LRDP EIR mitigation measure 4.1-2 and 2002 LRDP EIR PPs 4.1-2(a), (b), (d), and (e), implementation of the proposed Project will have a less-than significant impact on the existing visual character or quality of the site and its surroundings.

## 2. *Air Quality*

- a. Impact LSRB 4.2-1:** Construction of the proposed project would not contribute substantially to an existing or projected air quality violation. This is considered a less-than-significant impact.

PP 4.2-2(a): The campus shall continue to implement dust control measures consistent with SCAQMD Rule 403—Fugitive Dust during the construction phases of new project development. The following actions are currently recommended to implement Rule 403 and have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 35 percent depending on the source of the dust generation:

- Apply water and/or approved nontoxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days)
- Replace ground cover in disturbed areas as quickly as possible
- Enclose, cover, water twice daily, or apply approved chemical soil binders to exposed piles with 5 percent or greater silt content
- Water active grading sites at least twice daily
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code
- Sweep streets at the end of the day if visible soil material is carried over to adjacent roads
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads

PP 4.2-2(b): The campus shall continue to require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction.

PP 4.2-2(c): The campus shall continue to require by contract specifications that construction operations rely on the campus' existing electricity infrastructure rather than electrical generators powered by internal combustion engines to the extent feasible.

MM 4.2-2(a): The campus shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.

MM 4.2-2(b): The campus shall encourage contractors to utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low-emission diesel construction equipment to the extent that the equipment is readily available and cost effective.

**FINDING: The Regents finds that implementation of the proposed project will have a less-than significant impact resulting from construction-related emissions with respect to an existing or projected air quality violation. The Regents finds that implementation of 2002 LRDP EIR PPs 4.2-2(a)–(c) and 2002 LRDP EIR MMs 4.2-2(a)–(b) will further reduce these less than significant impacts.**

### 3. *Cultural Resources*

- a. **Impact LSRB 4.3-1:** Implementation of the proposed project would not result in a substantial adverse change in the significance of structures that have been designated as eligible or potentially eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR). This impact is considered a less-than-significant impact.

PP 4.4-1(a): The campus shall continue to implement all modifications to historic structures in compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer 1995).

MM LSRB 4.3-1(a): As preliminary designs for renovation [of Hershey Hall] are developed, the campus shall retain a qualified architectural historian (i.e., meeting the qualifications of the Secretary of the Interior) to evaluate the design and identify contributing features of Hershey Hall that could be affected. The architectural historian shall provide recommendations for the treatment of affected contributing features identified in the 1995 Historic Resources Report (HRR) and 2004 Supplemental Historic Structures Report (HSR).

MM LSRB 4.3-1(b): Prior to approval of final renovation plans [for Hershey Hall], the architectural historian shall review the plans to ensure that the final design of the renovation would comply with the Secretary of the Interior's Standards for

Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer 1995).

MM LSRB 4.3-1(c): Prior to commencement of the [Hershey Hall renovation] project, a qualified consultant shall be retained to prepare photographic documentation of the interior and exterior character-defining features of the 1931 Hershey Hall Structure, consistent with Historic American Building Survey standards for documentation.

**FINDING: The Regents finds that, with implementation of project-specific mitigation measures LSRB 4.3-1(a) through LSRB 4.3-1 (c), implementation of the proposed project will have a less-than significant impact resulting from a substantial adverse change in the significance of structures that have been potentially eligible for listing on the NRHP or CRHR. The Regents finds that implementation of PP 4.4-1(a) will further reduce these less than significant impacts.**

#### 4. *Cumulative Impacts*

The LSRB implements a portion of the 2002 LRDP, the planning document that guides growth and development at UCLA through academic year 2010–11, and the Project EIR is tiered from the 2002 LRDP EIR. The 2002 LRDP EIR found that cumulative impacts would result from implementation of the 2002 LRDP, in combination with the development of related projects in the area and projected regional growth, in the following areas:

- Construction-related and operational vehicle traffic
- Construction-related vehicle emissions

Although the 2002 LRDP EIR found that these impacts would be mitigated by project-specific Mitigation Measures and Programs and Procedures to the extent feasible, the cumulatively considerable contribution of the 2002 LRDP implementation to significant and adverse cumulative impacts would remain significant and unavoidable. These cumulative impacts were adequately 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, and are incorporated herein by reference. As analyzed in the 2002 LRDP EIR, contributions of the 2002 LRDP to potential cumulative impacts in all other issue areas (Aesthetics, Biological Resources, Cultural Resources, Geology, Soils and Seismicity, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population, Employment and Housing, Public Services, Recreation, and Utilities) are less than considerable and/or not significant

As described in the Final EIR, less than significant (or less than considerable) cumulative impacts would result from implementation of the LSRB in combination with the development of related projects in the area and projected regional growth. The Project incrementally contributes to, but does not exceed the cumulative impacts related to vehicle traffic during construction and operation, and air quality during construction as previously analyzed in the 2002 LRDP EIR. Furthermore, since certification of the 2002 LRDP EIR in April 2003, no substantial changes to the cumulative context have occurred, no changed

circumstances, no new information, and no new mitigation measures have been identified since the preparation of these documents, that would alter the conclusions of the 2002 LRDP EIR and the Findings and Statement of Overriding Considerations adopted by The Regents.

**FINDING:** The Regents finds that, based upon the analysis in the Final Focused Tiered EIR which is hereby adopted and incorporated by reference, the contribution of the LSRB to cumulative impacts will be less than cumulatively considerable and/or the cumulative impact is less than significant. Therefore, no mitigation is required; however, the Regents finds that, implementation of the project-specific Mitigation Measures and PPs set forth in the Final Focused Tiered EIR and in these Findings will further reduce potential cumulative impacts, and re-adopts the Statement of Overriding Considerations supporting the certification of the 2002 LRDP Final EIR, as referenced in Section F of these Findings.

#### D. Alternatives

The LSRB EIR evaluated a reasonable range of potential alternatives to the Project. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis also included an analysis of a No Project Alternative and discusses the environmentally superior alternative. The analysis examined the feasibility of each alternative, the environmental impacts of each alternative, and the ability of each alternative to meet the project objectives identified in Chapter 6 of the Draft EIR.

The Regents certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the administrative record, and finds that all the alternatives are infeasible or undesirable in comparison to the proposed Project for the reasons set forth below.

##### 1. *Project Objectives*

The Regents finds that the project objectives for the Project, as described in Section 3 of the Draft EIR, are consistent with the academic, research and community service mission of UCLA as articulated in the 2002 LRDP, and are as follows:

1. Construct a replacement facility for the Life Sciences programs in the existing Life Sciences Building to provide a code-compliant laboratory facility on a nearby site that will be designed to support contemporary life science programs.
2. Provide modern research space to support new initiatives in collaboration with existing life sciences programs.
3. Provide modern teaching, laboratory, and support facilities necessary to ensure quality of educational, teaching, and research experience in the Life Sciences.
4. Support the interdisciplinary instruction and research needs of the Life Sciences programs.
5. Provide interactive and synergistic opportunities between related disciplines and faculty, staff, and students.
6. Provide flexible space that can be adapted to changing trends in teaching and research.

7. Demolish non-contributing portions and renovate the 1931 portion of Hershey Hall in a manner that meets the Secretary of the Interior's Standards for the Treatment of Historic Properties to the extent feasible.
8. To the extent feasible, site the LSRB in a location that offers programmatic advantages due to proximity to related academic disciplines.
9. Site and design the LSRB to enhance spatial development of the campus while maximizing use of limited land resources.
10. Respect and reinforce the architectural and landscape traditions that give the campus its unique character.
11. Continue to integrate landscaped open space with development, to encourage use through placement and design.
12. Site the LSRB to ensure compatibility with existing uses and the height and massing of adjacent facilities, to the extent feasible, while addressing the site context of Hershey Hall.
13. To the extent practicable, continue to incorporate design features, technological adaptations, and planning principles into the project to encourage or reinforce the concept of environmental sustainability and stewardship, including the conservation of resources and the minimization of waste.
14. Promote the efficient use of water through the use of natural drainage patterns, drought tolerant landscaping, and recycling and reuse.
15. Encourage energy efficiency through thoughtful design that considers the effective placement of buildings and the use of shading, to the extent feasible.
16. Plan, design, and implement the proposed project within the practical constraints of available funding sources.

## 2. *Alternatives to the LSRB*

### a. **Alternative 1—No Project/No Development Alternative.**

This alternative assumes that development of the LSRB would not occur, and that no replacement facility would be constructed. The non-historic portions of Hershey Hall would not be demolished, and the historic portion of Hershey Hall would not be renovated.

**FINDING:** Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3) The Regents finds that the No Project Alternative is inferior to the Project because it cannot attain the University's objectives, and would result in a negative impact on the University's ability to further its academic, research and public services missions.

**b. Alternative 2—Botany Building Site Alternative**

Under this alternative, the proposed LSRB would be constructed on the current site of the Botany Building, about 100 feet southwest of the proposed project site. This alternative would require demolition of the existing, Botany Building and Lath House, requiring a structure of about 225,000 gsf, including equivalent replacement space for the existing programs in the Botany Building, and requiring the import of fill material to create a level building site. Also, under this alternative, an interim location for the Botany programs would need to be identified.

**FINDING:** Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3) the Regents finds that Alternative 2 (Botany Building Site Alternative) is inferior to the Project because it would not demolish the non-historic portions of Hershey Hall and renovate the historic 1931 Hershey Hall structure to improve life safety of this historic building, and would result in greater impacts than under the proposed project in four out of the five environmental issue areas evaluated in the Project EIR: aesthetics, and construction-related air quality, traffic, and noise impacts. Moreover, this Alternative cannot attain the University's objectives to the same extent as the Project in that no suitable staging area exists for displaced academic and research programs in the Botany Building during construction of the replacement facility, which is precisely the same situation the LSRB project is proposed to address for the Life Sciences Program.

**c. Alternative 3— Reduced Project Alternative**

Under this alternative, the proposed LSRB would be reduced by one full floor, or 25,000 gsf, and planned space for new research initiatives would be eliminated. Only replacement space for life sciences programs would be constructed. Other than this reduction, the project would be in most respects similar to the proposed project.

**FINDING:** Pursuant to Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3) the Regents finds that Alternative 3 (Reduced Project Alternative) is inferior to the Project because, although Alternative 3 would meet several project objectives, it would not meet some key objectives of the project related to maximizing use of limited land resources and providing modern research space to support new initiatives in collaboration with existing life sciences programs. Also, this alternative would not substantially reduce any of the Project's significant or less-than-significant environmental impacts.

**d. Environmentally Superior Alternative**

**FINDING:** The Regents finds that other than the No Project Alternative, of the alternatives considered to reduce potential environmental impacts of the project, Alternative 3 (the reduced project alternative) would be environmentally superior to the proposed project; however, it would not meet, to the same degree as the proposed project, several of the primary project

**objectives of maximizing the use of limited land resources and providing modern research space to support new initiatives in collaboration with existing life sciences programs.**

#### **E. Additional Findings**

1. These Findings incorporate by reference in their entirety the text of the Final Focused Tiered Environmental Impact Report prepared for the Project, the 2002 LRDP, the 2002 LRDP EIR, 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 Mitigation Monitoring Program for the project-specific mitigation measures that accompanies the Focused Tiered Environmental Impact Report has been prepared to serve this purpose and is hereby adopted by The Regents. To the extent this Project incorporates relevant 2002 LRDP EIR mitigation measures previously adopted by The Regents, implementation of these mitigation measures by the 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.
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 34–40, Appendix A to the Final EIR). 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**

The Regents has balanced the benefits of the project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, and other benefits of the project outweigh the unavoidable significant adverse environmental effects. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are

identified in the Final Focused Tiered EIR but are not substantially mitigated, the agency must state in writing the reasons to support its actions based on the Final Focused Tiered EIR and/or other information in the record. Despite the occurrence of significant and unavoidable environmental effects in the areas of construction-related noise/vibration and traffic, the reasons for the approval of the project are as follows:

1. The project implements a portion of the 2002 LRDP, and incrementally contributes to the 2002 LRDP impacts previously identified and analyzed in the 2002 LRDP EIR. For this reason, the Findings and Statement of Overriding Considerations adopted by The Regents in connection with its approval of the 2002 LRDP is equally relevant to, and is adopted as a part of, this project. Cumulative significant and unavoidable construction-related noise and traffic impacts 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. These Findings and Overriding Considerations have been re-evaluated and are found to be current and valid Findings and Overriding Considerations today.
2. The existing Life Sciences Building (LSB) constructed in the 1950s lacks code-compliant life safety systems and is considered obsolete for contemporary biological research and teaching. The proposed Life Sciences Replacement Building (LSRB) would provide a code-compliant laboratory facility designed for contemporary life science programs, and thereby support the campus in achieving its academic goals, including maintaining prominence in scholarship, educational leadership and technological advancement.
3. Development of the LSRB on a site made available by demolition of the non-contributing portion of Hershey Hall (originally a dormitory not suitable for long-term academic and research use) would facilitate interaction and synergistic opportunities between related disciplines and faculty, staff and students in the Life Sciences by locating the facility in proximity to other related academic disciplines and maximizing the use of limited campus land resources.
4. The proposed project would enable development of new life sciences research initiatives in collaboration with existing life sciences and other multi-disciplinary programs at UCLA and ensure continued development of the UCLA campus as a regional and national education and research center, supporting and benefiting the educational and research mission of UCLA, advancing technology and training researchers essential to the economic vitality of the State of California.
5. Additional specific factors that support the discussion to approve the Project despite the significant unavoidable short-term, construction-related noise/vibration and traffic impacts are that, in a dense, urban area, similar noise/vibration and traffic impacts would occur in proximity to adjacent community uses and to nearby campus facilities during construction activities associated with development of any similar building project.

## **G. Summary**

Based on the foregoing Findings and the information contained in the record, The Regents has made one or more of the following Findings with respect to the Project:

1. Based on the foregoing Findings and information contained in the record, it is hereby determined that:

- a. All significant effects on the environment due to the Approval of the Project have been eliminated or substantially lessened where feasible.
  - b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section F, above.
2. All 2002 LRDP EIR PPs and MMs relevant to the Project, as identified in the Tiered Initial Study, as well as all Project components and project-specific mitigation measures described in the Final EIR, are made a condition of Project approval.

### **III. APPROVALS**

The Regents hereby takes the following actions:

1. Certifies the Final EIR for the Project as described in Section I, above.
2. Adopts and makes a condition of the Project all Project elements, relevant LRDP EIR mitigation measures, and project specific mitigation measures identified in the Final EIR.
3. Adopts the Findings and project specific mitigation monitoring program in their entirety as set forth in Section II, above.
4. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, incorporated mitigation measures into the Project, and adopted the Findings, the Regents hereby approves the design of the Life Sciences Replacement Building project for the UCLA Campus.