



California State University
MONTEREY BAY



California State University, Monterey Bay Master Plan

CEQA Findings of Fact and Statement of Overriding Considerations

Prepared for California State University, Monterey Bay
May 2022 - SCH No. 2017051042

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

**California State University Monterey Bay
Master Plan**

MAY 2022

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

1. INTRODUCTION

These Findings of Fact and Statement of Overriding Considerations (Findings) address the environmental effects associated with the California State University, Monterey Bay (CSUMB) Master Plan (proposed Master Plan or Project). These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code (PRC) and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, Cal. Code Regs. (CCR) 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in the Final Environmental Impact Report (EIR), as well as additional facts found in the complete record of proceedings.

CEQA (PRC Section 21081) and the CEQA Guidelines (14 CCR Section 15091) require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The Board of Trustees of The California State University (“Board of Trustees” and “CSU”) is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines.

Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against

its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines state that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result 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 action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the proposed Master Plan identified potentially significant effects that could result from Project implementation. However, the Board of Trustees finds that the inclusion of certain mitigation measures as part of the Project approval would reduce most, but not all, of those effects to less than significant levels. The impact that is not reduced to less than significant is identified and overridden due to specific Project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the Board of Trustees adopts these Findings as part of its certification of the Final EIR for the proposed Master Plan. Pursuant to PRC Section 21082.1(c)(3), the Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the Project. As required by CEQA, the Board of Trustees, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed Master Plan. The Board of Trustees finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project.

1.1 Organization and Format of CEQA Findings of Fact

Section 1 contains an introduction to these Findings, a summary description of the proposed Master Plan and background facts relative to the environmental review process.

Section 2 discusses the CEQA findings of independent judgment. Section 2.1 identifies the environmental effects of the Project determined not to be significant during the Notice of Preparation (NOP) scoping process or during the preparation of the EIR and therefore were not discussed in detail in the EIR. Section 2.2 identifies the Project's potential environmental effects that were determined to be less than significant and, therefore, do not require mitigation measures. Section 2.3 identifies the potentially significant effects of the Project that would be mitigated to less than significant with implementation of the identified mitigation measures. Section 2.4 identifies the significant impact of the Project that cannot be mitigated to less than significant given that there are no feasible mitigation measures that the University can implement to reduce the impact.

Section 3 identifies the feasibility of the Project Alternatives that were studied in the EIR.

Section 4 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the MMRP.

Section 5 describes the certification of the EIR.

Section 6 contains the Statement of Overriding Considerations, which provides the Board of Trustees' views on the balance between the Project's significant environmental effects and the merits and objectives of the proposed Master Plan.

1.2 Summary of Project Description

The existing Master Plan for the CSUMB campus, last revised in 2016, authorized an on-campus traditional student enrollment of 8,500 full-time equivalent students (FTES) and 3,500 FTES non-traditional, primarily off-campus students,² for a total of 12,000 FTES. The proposed Master Plan would authorize on-campus enrollment to 12,700 FTES to support and advance the University's educational mission. The proposed Master plan is a long-range planning document intended to guide future development of the campus to accommodate increased on-campus enrollment up to 12,700 FTES by 2035. This level of student enrollment growth is anticipated to result in an associated increase in faculty and staff up to approximately 1,776 FTE by the year 2035. The physical improvements proposed in the Master Plan are guided by the CSUMB Master Plan Guidelines (Guidelines) developed through a collaborative planning process undertaken during the development of the Guidelines. A Master Plan Steering Committee and two subcommittees—Sustainability and Transportation—were formed to guide the discussions and direction of the

Guidelines. An interactive stakeholder engagement process involving broad representation from the CSUMB community, as well as Monterey Bay community constituents, informed the Guidelines and the ultimate proposed Master Plan.

The Project and the subject of the EIR is the proposed CSUMB Master Plan including Project Design Features (PDFs) drawn from the Guidelines, and five “near-term” development components to be constructed pursuant to the proposed Master Plan within the next 10 years. The Project would provide the basis for the physical development of the CSUMB campus consistent with the vision identified in the Master Plan Guidelines and the mission of the University.

The Project would result in a net increase of approximately 2.6 million gross square feet (GSF) of new academic, administration, student life, athletic and recreational, and institutional partnership facilities, and housing. On-campus housing would be constructed sufficient to continue to accommodate 60% of FTES and existing housing would accommodate 65% of FTE faculty and staff, with a projected increase of 3,820 student beds and 757 converted residential units for faculty and staff. The Project also would accommodate redevelopment and growth in outdoor athletics and recreation facilities to serve campus needs, with space set aside for additional athletic fields, tennis courts, and pools, as well as for replacement of the existing stadium, field house, and pool house.¹

As part of the Project, numerous PDFs are included that address various topics including open space, transportation, water and wastewater systems, energy systems and greenhouse gas reduction, and design. For example, transportation PDFs will enhance and expand the campus’s existing Transportation Demand Management (TDM) program in order to further reduce vehicle trips and prioritize pedestrian and bicycle movement.

As noted previously, the Project includes specific development components identified in the proposed Master Plan and expected to be constructed in the next 10 years; these Project components are referred to as “near-term development components.” These near-term development components include: Student Housing Phase III (600 student housing beds); Academic IV (95,000 GSF of classroom/instructional space); Student Recreation Center (70,000 GSF of recreation space); Student Housing Phase IIB (400 student housing beds); and Academic V (76,700 GSF of classroom/instructional space).

¹ The Freeman Stadium Facilities Renovation Project, approved by the Board of Trustees in September 2021, was the subject of separate CEQA review and will implement renovations to the stadium in the interim, prior to replacement contemplated by the proposed Master Plan.

1.3 Project Objectives

CEQA requires the statement of a project's objectives to be clearly written so as to define the underlying purpose of a project in order to permit development of a reasonable range of alternatives and aid the lead agency in making findings when considering a project for approval. The underlying purpose of the Project is to support and advance the University's educational mission, as defined by the California Education Code, by guiding the physical development of the campus to accommodate gradual student enrollment growth while preserving and enhancing the quality of campus life. To do so, the Project would authorize the physical development of the campus in a manner that would accommodate an on-campus enrollment of 12,700 FTES. The following objectives of the Project have been established in support of its underlying purpose:

1. Support and advance the University's educational mission by guiding the physical development of the campus to:
 - Accommodate gradual student enrollment growth up to a future enrollment of 12,700 FTES;
 - Provide expanded access to higher education in response to the increasing higher education needs and demands of a growing statewide population; and
 - Develop into a comprehensive university campus that graduates students that can meet the needs of regional and statewide employers, while preserving and enhancing the quality of campus life.
2. Implement strategies to facilitate student academic success, academic excellence, institutional capacity, and regional stewardship.
3. Focus new building development on existing paved and developed infill sites on the Main Campus to provide compact and clustered development and make efficient use of campus land.
4. Provide and concentrate facilities for expansion of academic programs and administrative functions on the Main Campus, in or near the campus core to:
 - Create a compact campus core;
 - Provide synergies between existing and new educational and research programs;
 - Provide for a 10-minute walking distance from transportation hubs and between classroom buildings;
 - Facilitate use of shared resources among programs, such as classroom and lab space;
 - Facilitate faculty and student interaction; and
 - Promote an environment conducive to learning.

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5. Provide on-campus housing for 60% of FTES and 65% of FTE faculty and staff to reduce vehicle trips to campus, meet other Master Plan Guideline’s sustainability priorities and objectives, and promote recruitment, retention and engagement of faculty and staff.
 6. Provide a diversity of housing types to serve a broad range of student, faculty and staff housing needs.
 7. Create a unique campus character through buildings, outdoor spaces, pathways, bikeways, and roadways that connect those spaces while also producing a sense of community on campus.
 8. Provide emphasis on pedestrian access and alternative transportation and attain a modal shift from vehicles to more pedestrian, bicycle, and transit use by:
 - Establishing bicycle and pedestrian networks that provide safe, direct, and attractive connections to work and school;
 - Establishing restrictions to general vehicle travel through the campus core and locate vehicle circulation and parking on the campus periphery to provide for a walkable campus core; and
 - Providing other land development strategies (e.g., multimodal hubs) to support TDM (Transportation Demand Management), which is intended to reduce drive-alone travel modes and encourage greater use of transit, walking, and bicycle commuting and reduce dependence on automobiles.
 9. Preserve and enhance natural open spaces and develop formal open spaces so they become integral to the character of the campus.
 10. Integrate natural and formal open spaces into the framework for capital development. Organize the built environment around an open space network to integrate the natural and built environments and enhance outdoor learning, social interaction, recreation, and the overall campus ambiance.

1.4 Environmental Review Process

Notice of Preparation

In accordance with CEQA (PRC Section 21092) and the CEQA Guidelines (14 CCR Section 15082), CSUMB issued a NOP for a 30-day comment period from May 12, 2017 to June 12, 2017. The NOP was circulated to the State Clearinghouse and to state, regional, and local agencies in accordance with the CEQA Guidelines. Two public scoping meetings regarding the scope of the analysis for the Draft EIR were held on May 23, 2017. Scoping meetings with the cities of Marina and Seaside, County of Monterey, Transportation Agency of Monterey County (TAMC), and Caltrans were held in February 2018 to specifically address the transportation scope of analysis in the EIR, which was originally based on intersection and freeway level of service (LOS). A Revision

to Previously Issued NOP was circulated for a 30-day comment period from August 12, 2019 through September 10, 2019, to notify agencies, organizations, and other interested parties that the methodology to be used in the Draft EIR in assessing potential transportation-related impacts had been modified from that indicated in the original NOP to reflect changes in the CEQA Guidelines. In accordance with CEQA (PRC Sections 21000-21177) and the CEQA Guidelines (14 CCR Sections 15000-15387), CSUMB prepared an EIR, which is the subject of these Findings, to address the potentially significant environmental effects associated with the proposed Master Plan. The EIR addresses the following potentially significant environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Geology, Soils, and Paleontology
- Greenhouse Gas Emissions
- Hazards, Hazardous Materials, and Wildfire
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities and Energy

Draft EIR

CSUMB published the Draft EIR for public and agency review on February 4, 2022 for a 45-day public review period that ended on March 21, 2022. CSUMB provided a one-week extension of the comment period to those entities that requested it through March 28, 2022. During the public review period, the Draft EIR was accessible online at <https://csumb.edu/facilities/planning/>. The Draft EIR was also available for public review during the comment period at the CSUMB Library on the CSUMB campus and at the Seaside Branch Library and Marina Branch Library. A public informational presentation was available at the same campus online web link above that provided an overview of the proposed Master Plan, conclusions of the Draft EIR, and information about how to submit written public comments on the adequacy of the information presented in the Draft EIR. During the Draft EIR public review period, CSUMB received one letter from a federal agency, one letter from a state agency, five letters from local agencies, three letters from organizations, and two letters from individuals. One of the letters from an organization, Shea Homes, was received on April 27, 2022, well past the one-week extension of the comment period provided by CSUMB. All comment letters received in response to the Draft EIR, including the late letter from Shea Homes, were reviewed and included in the Final EIR, and responses to these comments relevant to CEQA were addressed in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132).

Final EIR

Section 15088 of the CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare written response addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR as needed and as appropriate. The Final EIR assembles in one document all the environmental information and analysis prepared for the Project, including comments on the Draft EIR and responses by the University to those comments. In accordance with CEQA Guidelines Section 15132, the Final EIR for the Project consists of:

- (i) The Draft EIR and subsequent revisions, as presented in the Final EIR;
- (ii) Comments received on the Draft EIR;
- (iii) A list of the persons, organizations, and public agencies commenting on the Draft EIR;
- (iv) Written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and
- (v) Other information contained in the EIR, including EIR appendices.

The Final EIR was released on May 12, 2022 and was made available for review by commenting agencies in accordance with CEQA requirements. The Final EIR was also made available to the public online at <https://csumb.edu/facilities/planning/>.

2 CEQA FINDINGS OF INDEPENDENT JUDGMENT

2.1 Effects Determined Not to Be Significant

Section 15128 of the CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. This information is addressed under the heading “Issues Not Evaluated Further” in each resource section of the Final EIR and, with respect to those issue areas that were scoped out as part of the NOP process, at the beginning of Chapter 4, “Environmental Impacts and Mitigation Measures” of the Final EIR (Section 4.1, Introduction to Analysis).

The Board of Trustees therefore finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined not to be significant and no mitigation is required pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091(a):

- **Aesthetics:** The Project would not substantially damage scenic resources within a state scenic highway or other scenic road or corridor.
- **Biological Resources:** The Project would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved conservation plan (Impact BIO-5).
- **Cultural Resources and Tribal Cultural Resources:** The Project would not cause a substantial adverse change in the significance of a historical built environment resource.
- **Geology, Soils and Paleontology:** The Project would not expose people or structures to potential substantial adverse effects related to the rupture of a known earthquake fault.
- **Geology, Soils and Paleontology:** The Project would not create substantial direct or indirect risks to life or property due to expansive soils.
- **Geology, Soils and Paleontology:** The Project would have no impacts related to the capability of soils to support alternative wastewater disposal systems.
- **Hazards, Hazardous Materials and Wildfire:** The Project would not result in an aircraft safety hazard for people residing or working in the project area.
- **Hydrology and Water Quality:** The Project would not degrade groundwater quality.
- **Hydrology and Water Quality:** The Project would not impede or redirect flood flows or release pollutants due to inundation.

Additionally, as potential impacts related to Agricultural and Forestry Resources and Mineral Resources are not likely to be significant under the California Environmental Quality Act (CEQA) and CEQA Guidelines, Section 4.1 of the Final EIR indicates that they are not addressed in the EIR.

2.2 Less Than Significant Impacts

The Board of Trustees finds that, based upon substantial evidence in the record, including in the Final EIR, the following impacts have been determined to be less than significant and no mitigation is required pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091(a):

Aesthetics

An evaluation of the Project's aesthetics impacts is provided in Section 4.1, Aesthetics, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to adverse impacts on a scenic vista (Impact AES-1), degradation of the visual character or quality of public views (Impact AES-2), new sources of substantial light and glare (Impact AES-3), or cumulative aesthetic impacts related to scenic vistas, visual quality and light and glare (Impact AES-4).

Finding

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts associated with aesthetics, and no mitigation measures are required.

Air Quality

An evaluation of the Project's air quality impacts is provided in Section 4.2, Air Quality, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to conflicts with an applicable air quality plan (Impact AIR-1), criteria pollutant emissions in exceedance of adopted thresholds of significance or in violation of any air quality standards (Impact AIR-2), exposure of sensitive receptors to substantial pollutant concentrations (Impact AIR-3), other emissions (such as those leading to odor) adversely affecting a substantial number of people (Impact AIR-4), or cumulative impacts related to air quality (Impact AIR-5).

Finding

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts associated with adverse effects related to air quality, and no mitigation measures are required.

Biological Resources

An evaluation of the Project's impacts to biological resources is provided in Section 4.3, Biological Resources, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to interference with wildlife migration or corridors (Impact BIO-3), conflict with local policies or ordinances protecting biological resources, including tree preservation policies (Impact BIO-4), or cumulative impacts to special-status species, protected avian species, and sensitive habitat (Impact BIO-6).

Finding

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to interference with wildlife migration or corridors and would not conflict with local policies or ordinances protecting biological resources, and no mitigation measures are required.

The Board of Trustees also finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in a cumulatively considerable contribution to significant cumulative impacts on non-HMP species, protected avian species and sensitive habitat, with the implementation of Project mitigation measures for biological resources identified in Section 2.2 of these Findings. No additional mitigation measures are required.

Cultural Resources and Tribal Cultural Resources

An evaluation of the Project's impacts to cultural resources and tribal cultural resources is provided in Section 4.4, Cultural Resources and Tribal Cultural Resources, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to cumulative impacts to buried historical or archaeological resources, human remains, and tribal cultural resources (Impact CUL-4).

Finding

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in a cumulatively considerable contribution to significant cumulative impacts to buried historical or archaeological resources, human remains, and tribal cultural resources with the implementation of Project mitigation measures for cultural resources identified in Section 2.2 of these Findings. No additional mitigation measures are required.

Geology, Soils, and Paleontology

An evaluation of the Project's impacts to geology, soils and paleontology is provided in Section 4.4, Geology, Soils, and Paleontology, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to risk of loss, injury, or death involving strong seismic ground shaking, or seismic-related ground failure (Impact GEO-1) or landslides (Impact GEO-2); soil erosion (Impact GEO-3); and unstable geologic units or soils (Impact GEO-4). Further, the Project is not anticipated to result in significant cumulative impacts related to seismic-related ground shaking and/or failure, landslides, soil erosion, unstable soils and/or paleontological resources (Impact GEO-6).

Finding

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to risk of loss, injury, or death due to strong seismic ground shaking, seismic-related ground failure, or landslides; nor would the Project result in potential significant impacts related to soil erosion and construction of unstable geologic units or soils, and no mitigation is required.

The Board of Trustees also finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in a cumulatively considerable contribution to significant cumulative impacts related to seismic-related ground shaking and/or failure, landslides, soil erosion, and unstable soils. The proposed Master Plan would not result in cumulatively considerable contribution to significant cumulative impacts related to paleontological resources, with the implementation of a Project mitigation measure for paleontological resources identified in Section 2.2 of these Findings. No additional mitigation measures are required.

Greenhouse Gas Emissions

An evaluation of the Project's impacts to greenhouse gas (GHG) emissions is provided in Section 4.6, Greenhouse Gas Emissions, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in a significant cumulative impact related to GHG emissions (Impact GHG-3).

Finding

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in a considerable contribution to a significant cumulative GHG impact with the implementation of a Project mitigation measure for GHG identified in Section 2.2 of these Findings. No additional mitigation measures are required.

Hazards, Hazardous Materials, and Wildfire

An evaluation of the Project's impacts to hazards, hazardous materials, and wildfire, is provided in Section 4.7, Hazards, Hazardous Materials, and Wildfire, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to the routine transport, use, or disposal of hazardous materials (Impact HAZ-1), reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment (Impact HAZ-2), emissions or handling of hazardous materials near an existing or proposed school (Impact HAZ-3), interference of an adopted emergency response or evacuation plan (Impact HAZ-4), or risk of wildfire hazards (Impact HAZ-5). Further, the Project is not anticipated to result significant cumulative impacts related to hazardous materials, emergency response, and wildfire (Impact HAZ-6).

Finding

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to hazards, hazardous materials, and wildfire, and no mitigation measures are required.

Hydrology and Water Quality

An evaluation of the Project's impacts to hydrology and water quality is provided in Section 4.8, Hydrology and Water Quality, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to violation of water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality (Impact HYD-1), decrease of groundwater supplies, interference with groundwater recharge, or conflict with sustainable groundwater management of the basin (Impact HYD-2), or substantial alteration of the existing stormwater drainage patterns of the campus (Impact HYD-3). Further, the Project is not anticipated to result in significant cumulative impacts related to hydrology and water quality (Impact HYD-4).

Findings

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to hydrology and water quality, and no mitigation measures are required.

Land Use and Planning

An evaluation of the Project's impacts related to land use and planning is provided in Section 4.9, Land Use and Planning, of the Final EIR. Implementation of the proposed Master Plan is not

anticipated to result in any significant impacts related to the physical division of an established community (Impact LDU-1) or conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Impact LDU-2). Further, the Project would not result in significant cumulative impacts related to land use (Impact LDU-3).

Findings

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to land use and planning, and no mitigation measures are required.

Noise and Vibration

An evaluation of the Project's impacts related to noise and vibration is provided in Section 4.10, Noise and Vibration, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to the generation of excessive groundborne vibration or groundborne noise levels (Impact NOI-3); nor would the Project result in significant cumulative impacts related to noise and vibration (Impact NOI-4).

Findings

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to generation of excessive groundborne vibration or groundborne noise levels, or a cumulatively considerable impact related to noise and vibration, and no mitigation measures are required.

Population and Housing

An evaluation of the Project's impacts related to population and housing is provided in Section 4.11, Population and Housing, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to direct or indirect inducement of substantial unplanned population growth in the area (Impact POP-1), displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (Impact POP-2); nor would the Project result in a cumulative impact related to substantial unplanned population growth or displacement of people or housing in the region (Impact POP-3).

Findings

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to population and housing, and no mitigation measures are required.

Public Services and Recreation

An evaluation of the Project's impacts related to public services and recreation is provided in Section 4.12, Public Services and Recreation, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to the provision of new or physically altered fire (Impact PSR-1) or police (Impact PSR-2) protection facilities, school facilities (Impact PSR-3), or new or physically altered parks (Impact PSR-4), the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives; nor would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated (Impact PSR-5). Further, the Project is not anticipated to result in significant cumulative impacts related to the construction of new or expanded fire, police, schools, and park and recreational facilities (Impact PSR-6).

Findings

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to public services and recreation, and no mitigation measures are required.

Transportation

An evaluation of the Project's impacts related to transportation is provided in Section 4.13, Transportation, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to a conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities (Impact TRA-1), adverse effects regarding vehicle miles traveled (Impact TRA-2), substantial increase of hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Impact TRA-3), or inadequate emergency access (Impact TRA-4). Further, the Project is not anticipated to result in significant cumulative impacts related to transportation (Impact TRA-5).

Findings

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potentially significant impacts related to transportation, and no mitigation measures are required.

Utilities and Energy

An evaluation of the Project's impacts related to utilities and energy is provided in Section 4.14, Utilities and Energy, of the Final EIR. Implementation of the proposed Master Plan is not anticipated to result in any significant impacts related to the relocation or construction of new or replacement water, wastewater treatment, electric power, natural gas, or telecommunications facilities, the construction of which would result in significant effects (Impact UTL-1), inadequate water supplies to serve the Project and reasonable foreseeable future development (Impact UTL-2), exceedance of wastewater capacity (Impact UTL-3), generation of solid waste in excess of state standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Impact UTL-4). The Project is also not anticipated to result in any significant impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources (Impact UTL-5), or due to a conflict with or obstruction of a state or local plan for renewable energy or energy efficiency (Impact UTL-6). Further, the Project is not anticipated to result in significant cumulative impacts related to utilities and energy (Impact UTL-7).

Findings

The Board of Trustees finds, based upon substantial evidence in the record, that the proposed Master Plan would not result in potential significant impacts associated with adverse effects related to utilities and energy, and no mitigation measures are required.

2.3 Potentially Significant Impacts That Can Be Mitigated Below a Level of Significance

Pursuant to PRC Section 21081(a) and Section 15091(a)(1) of the CEQA Guidelines, the Board of Trustees finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the identified significant effects on the environment to less than significant. These findings are explained below and are supported by substantial evidence in the record of proceedings.

Biological Resources

An evaluation of the Project's impacts to biological resources is provided in Section 4.3, Biological Resources, of the Final EIR. Implementation of the proposed Master Plan could result in

substantial adverse effects to special-status plant and wildlife species and their habitat due to future development of the campus (Impact BIO-1). This is a potentially significant impact. Preparation of Project-specific biological assessments for habitat management plan (HMP) designated non-HMP designated species in accordance with MM-BIO-1a and MM-BIO-1b, implementation of open space protection requirements per MM-BIO-1d, pre-construction assessments and surveys for protected avian species, bats, and the Monterey dusky-footed woodrat in accordance with MM-BIO-1c, MM-BIO-1e, and MM-BIO-1f, and compliance with endangered species act requirements to avoid the Smith's blue butterfly habitat identified on campus per MM-BIO-1g would minimize and/or avoid significant impacts related to special-status plant and wildlife species.

The Project could also result in a substantial adverse effect on riparian habitat or other sensitive community as identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, or on state or federally protected wetlands (Impact BIO-2). This is a potentially significant impact. Implementation of MM-BIO-2, which requires a survey by a qualified biologist of any development that could potentially impact a sensitive natural community, would ensure impacts to riparian habitat or other sensitive community would be reduced to less than significant.

Mitigation Measures

MM-BIO-1a: Project-Specific Biological Assessments (HMP Species). The CSUMB CPD [Campus Planning and Development] Department shall require that a biological survey of development sites be conducted by a qualified biologist to determine if the development could potentially impact HMP species or potential habitat (HMP Species include: California tiger salamander, Smith's blue butterfly, Northern California legless lizard, Monterey ornate shrew, Monterey spineflower, sand gilia, sandmat manzanita, Hooker's manzanita, Toro manzanita, Monterey ceanothus, seaside bird's-beak, sand-loving wallflower, Eastwood's goldenbush and Yadon's piperia). A report describing the results of the surveys shall be provided to the CSUMB CPD Department prior to any ground disturbing activities. The report shall include, but not be limited to: 1) a description of the biological conditions at the site; 2) identification of the potential for HMP species to occur or HMP species observed, if any; and 3) maps of the locations of HMP species or potential habitat, if observed.

If HMP species that do not require take authorization from the USFWS or CDFW are identified within the development site, salvage efforts for these species shall be evaluated by a qualified biologist in coordination with CSUMB

CPD Department to further reduce impacts per the requirements of the HMP and BO. Where salvage is determined feasible and proposed, seed collection should occur from plants within the development site and/or topsoil should be salvaged within occupied areas to be disturbed. Seeds shall be collected during the appropriate time of year for each species by qualified biologists. The collected seeds and topsoil shall be used to revegetate temporarily disturbed construction areas and reseeded and restoration efforts on- or off-site, as determined appropriate by the qualified biologist and CSUMB CPD Department. For impacts to the HMP species within the development site that do require take authorization from the USFWS and/or CDFW, the CSUMB CPD Department shall comply with ESA and CESA and obtain necessary permits prior to construction. If non-HMP special-status species are identified during the implementation of this measure, MM-BIO-1b shall also be implemented.

MM-BIO-1b: Project-Specific Biological Assessments (Non-HMP Species). The CSUMB CPD Department shall require that a biological survey of development sites be conducted by a qualified biologist to determine if the development could potentially impact a special-status species or their habitat. A report describing the results of the surveys shall be provided to the CSUMB CPD Department prior to any ground disturbing activities. The report shall include, but not be limited to: 1) a description of the biological conditions at the site; 2) identification of the potential for special-status species to occur or special-status species observed, if any; 3) maps of the locations of special-status species or potential habitat, if observed; and 4) recommended mitigation measures, if applicable. If special-status species are determined not to occur at the development site, no additional mitigation is necessary.

If special-status species are observed or determined to have the potential to occur, the project biologist shall recommend measures necessary to avoid, minimize, and/or compensate for identified impacts. Measures shall include, but are not limited to, revisions to the project design and project modifications, pre-construction surveys, construction buffers, construction best management practices, monitoring, non-native species control, restoration and preservation, and salvage and relocation.

MM-BIO-1c: Pre-Construction Surveys for Protected Avian Species. Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect protected nesting avian species shall be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. Alternatively, a

qualified biologist shall be retained by the CSUMB CPD Department to conduct pre-construction surveys for nesting raptors and other protected avian species within 500 feet of proposed construction activities if construction occurs between February 1 and September 15. Pre-construction surveys shall be conducted no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys shall be determined by the qualified biologist based on review of the final construction plans and in coordination with the USFWS and CDFW, as needed for protected avian species nests.

If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist shall notify the CSUMB CPD Department and an appropriate no-disturbance buffer shall be imposed within which no construction activities or disturbance shall take place (generally 500 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.

MM-BIO-1d: Implement Open Space Protection Requirements. For open space areas adjacent to proposed campus development, the following measures shall be implemented:

- Conduct an access assessment to identify necessary access controls. In some cases, structures including fences or other appropriate barriers may be required within the new development parcel to control access into the habitat areas. An assessment of access issues and necessary controls shall be completed as part of planning for the development and submitted to the CSUMB CPD Department for review and approval, prior to development.
- Signs, interpretive displays, trailhead markers, or other information shall be installed and maintained at identified urban/wildland interface that illustrate the importance of the adjacent habitat area and prohibit trespass, motor vehicle entry, dumping of trash or yard wastes, pets off-leash, capture or harassment of wildlife, impacts to special-status species, and other unauthorized activities.
- Incorporate non-native species control features into site design. Detention ponds or other water features associated with new development shall be sited as far from the urban/wildland interface as possible. Suitable barriers shall be

located between these features and the habitat area boundary to prevent these features from becoming “sinks” for special-status wildlife species, as well as sources for invasive non-natives that could then move into the adjacent habitat area.

- If detention ponds or other waterbodies must be located at the urban/wildland interface, a specific management program addressing control of non-native animals (e.g., bullfrogs) must be prepared and submitted for review and approval by the CSUMB CPD Department, prior to development.
- Landscaping within the areas adjacent to open space areas shall consist of native or non-native plant species that shall not colonize reserve areas in the former Fort Ord outside the campus boundaries. Any landscaping or replanting required for the Project shall not use species listed as noxious by the CDFG. All landscape plans shall be reviewed by the CSUMB CPD Department.
- Limit artificial lighting at the urban/wildland interface. Outdoor lighting associated with new development shall be low intensity, focused, and directional to preclude night illumination of the adjacent habitat area. Outdoor lighting shall be placed as far from the urban/wildland interface as possible given safety constraints. Facilities such as ball parks and fields that require high intensity night lighting (i.e., flood lights) shall be sited as far from the urban/wildland interface as possible. High-intensity lighting facing the habitat areas shall be directional and as low to the ground as possible to minimize long distance glare.
- Develop and implement erosion control measures to prevent sediment transport into and within habitat areas. Erosion control measures shall be required where vegetation removal or soil disturbance occurs as a result of all facility construction and maintenance, including trail, road, or fuel break construction/maintenance, access controls, or stormwater management, consistent with existing stormwater management plans. Specific measures to be implemented shall be detailed in an erosion control plan. The erosion control plan shall include, at a minimum, the following measures.
 - Re-contour eroded areas.
 - Maintain and grade areas along the reserve perimeter and main roads as appropriate to avoid washouts. Gullies shall be repaired as needed.
 - Install drainage features such as outlet ditches, rolling dips (similar to waterbars), and berms as needed to facilitate the proper drainage of storm runoff.
 - Add soil amendments such as fertilizers and gypsum for designated development areas only.

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- Prevent sediments from entering basins or swales that could be used by HMP species during erosion control activities.
 - Design and conduct erosion control measures to minimize the footprint of the structures and repairs, and design structures to minimize potential impacts on CTS that may be moving between breeding and upland habitats.
 - Use weed-free mulch, weed-free rice, sterile barley straw, or other similar functioning product where needed for erosion control. Seed native plant species to stabilize soils disturbed by erosion control activities and prevent colonization by invasive weeds. Incorporate native plant species to the extent practicable.

MM-BIO-1e: Pre-Construction Bat Assessment and Surveys. To avoid and reduce impacts to Townsend's big-eared bat, a qualified bat specialist or wildlife biologist shall conduct site surveys during the reproductive season (May 1 through September 15) to characterize bat utilization of the site and potential species present (techniques utilized to be determined by the biologist) prior to structure removal. Based on the results of these initial surveys, one or more of the following shall occur:

- If it is determined that bats are not present at the site, no additional mitigation is required.
- If it is determined that bats are utilizing the site and may be impacted by the development, pre-construction surveys shall be conducted no more than 30 days prior to any structure removal. If, according to the bat specialist, no bats or bat signs are observed in the course of the pre-construction surveys, structure removal may proceed. If bats and/or bat signs are observed during the pre-construction surveys, the biologist shall determine if disturbance will jeopardize the roost (i.e., maternity, day, or night).
- If a single bat and/or only adult bats are roosting, removal of buildings may proceed after the bats have been safely excluded from the roost. Exclusion techniques shall be determined by the biologist and depend on the roost type; the biologist shall prepare a mitigation plan for provision of alternative habitat to be approved by the CDFW.
- If an active maternity roost is detected, avoidance is preferred. Work in the vicinity of the roost (buffer to be determined by biologist) shall be postponed until the biologist monitoring the roost(s) determines that the young are no longer dependent on the roost. The monitor shall ensure that all bats have left the area of disturbance prior to initiation of structure removal. If avoidance is not possible and a maternity roost must be disrupted, a depredation permit would be required prior to removal of the roost.

MM-BIO-1f: Pre-Construction Monterey Dusky-Footed Woodrat Surveys. Not more than thirty (30) days prior to the start of construction (including vegetation removal), a qualified biologist shall conduct a survey of the development sites to locate existing Monterey dusky-footed woodrat nests. All Monterey dusky-footed woodrat nests shall be mapped and flagged for avoidance. Graphics depicting all Monterey dusky-footed woodrat nests shall be provided to CSUMB and the construction contractor. Any Monterey dusky-footed woodrat nests that cannot be avoided shall be relocated according to the following procedures.

Each active nest shall be disturbed by the qualified biologist to the degree that the woodrats leave the nest and seek refuge elsewhere. After the nests have been disturbed, the nest sticks shall be removed from the impact areas and placed outside of areas planned for impacts. Nests shall be dismantled during the non-breeding season (between October 1 and December 31), if possible. If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2-3 weeks, after this time the nest shall be rechecked to verify that young are capable of independent survival before proceeding with nest dismantling.

MM-BIO-1g: Smith's Blue Butterfly Habitat Avoidance/ESA Compliance. Smith's Blue Butterfly habitat (i.e., dune buckwheat) shall be avoided to the greatest extent feasible. Smith's Blue Butterfly habitat that will not be impacted by the Project shall be protected prior to and during construction to the maximum possible using exclusionary fencing and/or flagging. A biological monitor shall supervise the installation of protective fencing/flagging and monitor at least once per week until construction is complete to ensure that the protective fencing/flagging remains intact.

If all Smith's Blue Butterfly habitat is avoided, no additional mitigation is necessary. If the Project will impact SBB habitat, CSUMB shall comply with the FESA and obtain necessary authorizations prior to construction due to the assumed presence of the federally listed SBB. CSUMB shall be required to initiate consultation with the USFWS to receive take authorization. Take authorization would be granted through the issuance of an individual, project-specific incidental take permit. Mitigation for take likely will require restoration at a 3:1 ratio of impacted habitat. Dune buckwheat plants and/or seed salvage may also be required prior to ground disturbing activities.

MM-BIO-2: Project-Specific Sensitive Natural Community Assessments. The CSUMB CPD Department shall require that for any development that could potentially

impact a sensitive natural community, a survey of the site by a qualified biologist shall be required. A report describing the results of the survey shall be provided to CSUMB prior to any ground-disturbing activities. The report shall include but shall not be limited to: 1) a description of the biological conditions at the site; 2) identification of the potential for sensitive habitats or sensitive habitats observed, if any; 3) maps of the locations of sensitive habitats or potential sensitive habitat, if observed; and 4) recommended avoidance and minimization measures, if applicable. If a potential state or federally protected wetland is newly identified to be present on the site, a formal wetland delineation shall be conducted in accordance with ACOE methodology.

If a proposed development cannot avoid impacts to sensitive habitat areas, CSUMB shall require a compensatory habitat-based mitigation to reduce impacts. Compensatory mitigation must involve the preservation, restoration, or purchase of off-site mitigation credits for impacts to sensitive habitats. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-based mitigation shall be determined through consultation with the appropriate agency (i.e., CDFW, USFWS, or ACOE) on a project-by-project basis.

Impacts to sensitive habitats, including but not limited to, vernal pools, streambeds, waterways, or riparian habitat, protected under FGC Section 1600 and Sections 401 and 404 of the Clean Water Act, require regulatory permitting to reduce impacts. Acquisition of permits and implementation of the approved mitigation strategy would ensure impacts are fully mitigated and “no net loss” of wetland habitat would occur.

Finding

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the potentially significant biological resources impacts of the Project to less than significant, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The mitigation measures would avoid substantial adverse effects on special-status species, protected avian species, and sensitive habitat by requiring project-specific biological assessments for future development to determine presence/absence of non-Habitat Management Plan special-

status species, protected avian species, and sensitive habitat; identification and implementation of measures necessary to avoid, minimize, and/or compensate for any identified impacts; and implementation of open space requirements that will reduce the damaging effects of adjacent development, by providing for necessary access controls, barriers, signage, and control of non-native species. With implementation of the above discussed mitigation measures, potentially significant impacts to special-status species, protected avian species, and sensitive habitat as a result of the proposed Master Plan would be reduced to less than significant.

Cultural Resources and Tribal Cultural Resources

An evaluation of the Project's impacts to cultural resources and tribal cultural resources is provided in Section 4.4, Cultural Resources and Tribal Cultural Resources, of the Final EIR. Implementation of the proposed Master Plan could cause a substantial adverse change in the significance of unique archaeological resources or historic resources of an archaeological nature (Impact CUL-1). This is a potentially significant impact. Implementation of MM-CUL-1a through MM-CUL-1c would avoid directly or indirectly destroying unique archaeological resources or archaeological resources of an historical nature by: conducting cultural resource sensitivity training for workers prior to conducting earth disturbance; requiring an inadvertent discovery clause to cease soil disturbing work within 100 feet of any potential archaeological resources unearthed during construction; using a qualified archaeologist to identify any potential historical archaeological resources or unique archaeological resources on site; preserving in place identified significant resources, if feasible; providing a data recovery plan for any identified historical or archaeological resources if preservation in place is not feasible; and requiring construction monitoring by both a Native American and archaeological monitor during earth-disturbing work in native soils within 750 feet of a documented resource. With the implementation of these mitigation measures, the potentially significant impact on unique archaeological resources or archaeological resources of an historical nature would be reduced to less than significant.

The Project could inadvertently disturb human remains during excavation and grading (Impact CUL-2). This is a potentially significant impact. Implementation of MM-CUL-2 would involve stopping work and following State procedures if human remains are discovered at any time. The implementation of this measure would ensure that human remains will be protected from destruction that might result from development, through identification, Native American consultation, preservation in place or recovery, respectful treatment and study, and reinternment. Therefore, the potentially significant impact related to inadvertence disturbance of human remains would be reduced to less than significant.

Additionally, the Project could cause a substantial adverse change in the significance of a tribal cultural resource (Impact CUL-3). No tribal cultural resources have been identified; however, in the event that unknown archaeological sites or tribal cultural resources are uncovered during the

course of construction, impacts related to tribal cultural resources could be potentially significant. Implementation of MM-CUL-1a, MM-CUL-1b, MM-CUL-1c, and MM-CUL-2, as described above, would ensure that potentially significant impacts related to tribal cultural resources would be reduced to less than significant.

Mitigation Measures

MM-CUL-1a: Sensitivity Training. CSUMB shall include a standard clause in every construction contract for the Project that requires cultural resource sensitivity training by a qualified archaeologist for workers prior to conducting earth disturbance in the vicinity of a documented cultural-resource-sensitive area, should one be identified in the future. Additionally, campus staff involved in earth-disturbing work in the vicinity of a documented resource sensitive area will also receive such training.

MM-CUL-1b: Inadvertent Discovery Evaluation and Recordation. CSUMB shall include a standard inadvertent discovery clause in every construction contract for the Project, which requires that in the event that an archaeological resource is discovered during construction (whether or not an archaeologist is present), all soil-disturbing work within 100 feet of the find shall cease until a qualified archaeologist can evaluate the find and make a recommendation for how to proceed. For an archaeological resource that is encountered during construction, the campus shall:

- Retain a qualified archaeologist to determine whether the resource has potential to qualify as a historical resource or a unique archaeological resource as outlined in the California Environmental Quality Act (CEQA) (Public Resources Code § 21083.2).
- If the resource has potential to be a historical resource or a unique archaeological resource, the qualified archaeologist, in consultation with CSUMB, shall prepare a research design and archaeological evaluation plan to assess whether the resource should be considered significant under CEQA criteria.
- If the resource is determined significant, CSUMB shall provide for preservation in place, if feasible. If preservation in place is not feasible, in consultation with CSUMB, a qualified archaeologist will prepare a data recovery plan for retrieving data that is specific to the site's geographic extent and the significance of any resources encountered. The data recovery plan shall be developed prior to site development and implemented prior to or during site development (with a 100-foot buffer around the resource). The archaeologist shall also perform appropriate

technical analyses, prepare a full written report and file it with the Northwest Information Center, and provide for the permanent curation of recovered materials.

MM-CUL-1c: Construction Monitoring. A Native American and archaeological monitor shall be present for earth-disturbing work in native soils within 750 feet of a documented archaeological resource or tribal cultural resource, if such resources are discovered and documented in the future. Depth to native soils on specific project sites is typically identified in project-specific geotechnical investigations.

MM-CUL-2: Proper Handling of Human Remains. Should human remains be discovered at any time, work will halt in that area and procedures set forth in the California Public Resources Code (§ 5097.98) and State Health and Safety Code (§ 7050.5) will be followed, beginning with notification to CSUMB and the County Coroner. If Native American remains are determined to be present, the County Coroner will contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. The Ohlone/Costanoan-Esselen Nation (OCEN) shall be notified of the discovery even if not assigned as Most Likely Descendant.

Finding

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the potentially significant cultural resource-related impacts of the Project to less than significant, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Mitigation measures would avoid directly or indirectly destroying unique archaeological resources, archaeological resources of an historical nature, tribal cultural resources and human remains by: conducting cultural resource sensitivity training for workers prior to conducting earth disturbance; requiring an inadvertent discovery clause to cease soil disturbing work within 100 feet of any potential archaeological resources unearthed during construction; using a qualified archaeologist to identify any potential historical archaeological resources or unique archaeological resources on site; preserving in place identified significant resources, if feasible; providing a data recovery plan for any identified historical or archaeological resources if preservation in place is not feasible; requiring construction monitoring by both a Native American and archaeological

monitor during earth-disturbing work in native soils within 750 feet of a documented resource; and providing for the proper handling of human remains. With implementation of the above discussed mitigation measures, potentially significant impacts to archaeological resources, archaeological resources of an historical nature, tribal cultural resources, and human remains as a result of the proposed Master Plan would be reduced to less than significant.

Geology, Soils, and Paleontology

An evaluation of the Project's impacts to geology, soils and paleontological is provided in Section 4.4, Geology, Soils, and Paleontology, of the Final EIR. Implementation of the proposed Master Plan could directly or indirectly destroy a unique paleontological resource or site during Project construction and associated excavations (Impact GEO-5). This is a potentially significant impact. Implementation of MM-GEO-I would avoid directly or indirectly destroying a unique paleontological resource by using a qualified paleontologist to determine the need for and extent of paleontological monitoring during construction based on site conditions, construction plans, geotechnical reports and subsurface geological observations; and protecting, recovering and documenting any paleontological find that may be discovered during construction. With the implementation of this mitigation measure, the potentially significant impact on unique paleontological resources would be reduced to less than significant.

Mitigation Measure

MM-GEO-I Monitoring, Discovery, and Treatment of Paleontological Resources. Prior to the commencement of any grading activity, CSUMB shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, to determine when, where, and the duration of paleontological monitoring that is warranted. The qualified paleontologist shall make these determinations based on construction plans, geotechnical reports if available, and subsurface geological observations that indicate the likely depth to undisturbed native sands that possess high paleontological sensitivity. The level of monitoring may range from full-time, part-time (spot-check), or unnecessary based on the qualified paleontologist's review of plans and relevant documentation as well as observations. Monitoring shall not be required under any conditions if excavations for proposed development do not extend into undisturbed native sands that possess high paleontological sensitivity. If it is determined that paleontological monitoring is required, qualified paleontologist shall attend any preconstruction meetings and manage the paleontological monitor(s) if he or she is not doing the monitoring.

For monitoring that is required in a given work area, the paleontological monitor shall be equipped with necessary tools for the collection of fossils and associated geological and paleontological data. The monitor shall complete daily logs detailing the day's excavation activities and pertinent geological and paleontological data. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor shall temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery shall be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, which in most circumstances, is less than a day, the monitor shall remove the rope and allow grading to recommence in the area of the find. If it will require more than one (1) day to document and/or salvage the find, the qualified paleontologist shall work with CSUMB to determine an appropriate treatment plan to ensure the protection of fossil resources while not impeding development.

Following the paleontological monitoring program, a final monitoring report shall be submitted to CSUMB for approval. The report should summarize the monitoring program and include geological observations and be accompanied by any paleontological resources recovered during paleontological monitoring for the development. The qualified paleontologist shall be responsible for ensuring that all fossils associated with the paleontological monitoring program are permanently curated with an accredited institution that maintains paleontological collections.

Finding

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the potentially significant paleontological resource impact of the Project to less than significant, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The mitigation measure would avoid directly or indirectly destroying a unique paleontological resource by using a qualified paleontologist to determine the need for and extent of paleontological monitoring during construction based on site conditions, construction plans, geotechnical reports and subsurface geological observations; and protecting, recovering and documenting any paleontological find that may be discovered during construction. With the

implementation of the above discussed mitigation measure, the potentially significant impact on unique paleontological resources as a result of the proposed Master Plan would be reduced to less than significant.

Greenhouse Gas Emissions

An evaluation of the Project's impacts to GHG emissions is provided in Section 4.6, Greenhouse Gas Emissions, of the Final EIR. Implementation of the proposed Master Plan would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Impact GHG-1). This is a potentially significant impact. Implementation of MM-GHG-1 would reduce GHG emissions associated with Project operations by converting a portion of the Project's forecasted natural gas consumption to electricity. This building decarbonization requirement in new and existing buildings can be met using different combinations of building electrification in new and existing residential and non-residential buildings. As described therein, implementation of MM-GHG-1 would ensure impacts related to GHG generation are reduced to less than significant.

The Project may also conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Specifically, the Project may conflict with the California Air Resources Board's Scoping Plan and related GHG reduction targets for 2030 and 2050, and with the 2022 CSU Sustainability Policy related to the statewide GHG reduction target for 2045, but would not conflict with the CSUMB Campus Sustainability Plan, or AMBAG's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) (Impact GHG-2). Implementation of MM-GHG-1 would require CSUMB to limit natural gas infrastructure and electrify new and existing buildings to reduce energy consumption and associated GHG emissions. Shifting to electricity rather than natural gas would allow CSUMB to reach carbon neutrality in 2045, since it would provide a pathway for offsetting electricity consumption emissions. With implementation of MM-GHG-1, impacts related to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions would be reduced to less than significant.

Mitigation Measure

MM-GHG-1: Building Decarbonization: Replace Natural Gas with Electricity in New and Existing Buildings. CSUMB shall replace natural gas energy use with electricity energy use in new and existing buildings to reduce natural gas consumption and associated greenhouse gas (GHG) emissions generated by CSUMB. Building electrification shall result in a minimum natural gas reduction of 603,330 therms (60,333 Metric Million British Thermal Unit [MMBTU]), which equates to an approximately 54% reduction in the 2035 Master Plan's

estimated natural gas consumption (1,106,827 therms Master Plan buildout in 2035 – 603,330 therms reduction in natural gas = 503,497 therms in 2035 [110,683 MMBTU – 60,330 MMBTU = 50,353 MMBTU]). Replacing 603,330 therms of natural gas is estimated to require an increase in approximately 15,271 megawatt hours of electricity to achieve a reduction of approximately 2,068 metric tons per year of carbon dioxide equivalent per year (MT CO₂e) because electricity is a less GHG intensive energy source.

This building decarbonization requirement in new and existing buildings can be met using different combinations of building electrification in new and existing residential and non-residential buildings, provided that 603,330 therms of natural gas is replaced with 15,271 megawatt hours of electricity by 2035. To ensure that a minimum of 603,330 therms of natural gas is replaced by electricity-provided energy in new and existing buildings by 2035, building energy demand projections will be calculated and reported on during the building design phase for new and existing buildings to be retrofitted. Prior to the schematic design approval for each new building or existing building to be retrofitted, CSUMB shall provide a natural gas estimate with and without electrification, which shall be tracked internally. Annually, CSUMB shall review the amount of natural gas replaced by electricity in new buildings to ensure that substantial progress is being made towards meeting the 603,330 therms replacement requirement for new and existing buildings under the Master Plan by 2035.

CSUMB may pursue and implement other GHG-reducing strategies (e.g., additional solar PV, heat pump conversion, expanded TDM plan implementation) as a mechanism for achieving the required GHG reductions (approximately 2,051 MT CO₂e) by 2035. To ensure GHG emissions reductions from such strategies are properly accounted for, the GHG emissions reductions associated with such strategies shall be calculated and reported on during the design phase of these strategies. Annually, CSUMB shall review the amount of GHG emissions reductions associated with these other GHG-reducing strategies, along with the GHG reductions associated with building electrification, as indicated previously, to ensure that substantial progress is being made towards meeting the required GHG reductions under the Master Plan by 2035.

Finding

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the potentially significant GHG impacts of the Project to less than significant, and is adopted by the

Board of Trustees. Accordingly, the Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Rationale

Consistent with CSU and CSUMB goals, implementation of MM-GHG-I would require building decarbonization via reductions in natural gas consumption in order to avoid significant GHG emission impacts associated with the Project. This mitigation measure aligns with the CSU and CSUMB adopted policies and plans in order to reduce the campus' overall GHG emissions, including the electrification of new and existing buildings, among many other measures. As provided in MM-GHG-I, CSUMB may also pursue and implement other GHG-reducing strategies (e.g., additional solar PV, heat pump conversion, expanded TDM plan implementation) as a mechanism for achieving the required GHG reductions (approximately 2,051 MT CO₂e) by 2035. With the implementation of the above discussed mitigation measure, the potentially significant impacts related to GHG as a result of the proposed Master Plan would be reduced to less than significant.

Noise and Vibration

An evaluation of the Project's impacts related to noise and vibration is provided in Section 4.10, Noise and Vibration, of the Final EIR. Implementation of the proposed Master Plan would generate a substantial temporary construction-related increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Impact NOI-I). Construction of Project facilities would temporarily generate noise that could expose nearby receptors to elevated noise levels that may disrupt communication and routine activities. This is a potentially significant impact. Implementation of MM-NOI-I would avoid substantial temporary increases in ambient noise levels during construction of the Project by: limiting construction noise to the less sensitive times of day; properly maintaining all construction equipment; ensuring all equipment is properly equipped with noise-reducing air intakes, exhaust mufflers, and engine shrouds; using electrical power to run power tools and to power temporary structures; siting all stationary construction equipment and staging areas as far away as feasible from residences and educational land uses; and implementing special procedures when construction activities are expected to occur less than 175 feet from existing residences. With the implementation of MM-NOI-I, construction noise impacts of the Project would be reduced to less than significant.

Mitigation Measure

MM-NOI-I: CSUMB shall require that construction contractors implement the following practices and measures:

- Construction activity shall generally be limited to the daytime hours between 7:00 a.m. and 7:00 p.m. on weekdays and between 8:00 a.m. and 8:00 p.m. on weekends and holidays. If nighttime construction is required, noise levels shall not exceed 65 dB L_{\max} (slow response) when measured at the construction site boundary between the hours of 7:00 p.m. and 7:00 a.m. Loud construction activity (e.g., asphalt removal, large-scale grading operations) shall not be scheduled during finals week and preferably will be scheduled during holidays, summer/winter break, etc.
- All construction equipment shall be properly maintained and equipped with noise-reducing air intakes, exhaust mufflers, and engine shrouds in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers.
- All stationary construction equipment (e.g., electrical generators, pumps, refrigeration units, and air compressors) and equipment staging areas shall be located as far as feasible from occupied residences or educational land uses.
- When anticipated construction activities are expected to occur less than 175 feet from an existing on-campus or off-campus residential land use, one or more of the following techniques shall be employed to keep noise levels below an eight-hour A-weighted energy-equivalent level ($L_{\text{eq}8\text{h}}$) of 80 dBA at the potentially affected sensitive receptors:
 - Reduce construction equipment and vehicle idling and active operation duration.
 - Install or erect on-site a temporary, solid noise wall (or acoustical blanket having sufficient mass, such as the incorporation of a mass-loaded vinyl skin or septum) of adequate height and horizontal extent so that it linearly occludes the direct sound path between the noise-producing construction process(es) or equipment and the sensitive receptor(s) of concern.

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- Where impact-type equipment is anticipated on site, apply noise-attenuating shields, shrouds, portable barriers or enclosures, to reduce the magnitudes of generated impulse noises.

Finding

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the potentially significant construction noise-related impact of the Project to less than significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The mitigation measure would avoid substantial temporary increases in ambient noise levels during construction of the Project, by: limiting construction noise to the less sensitive times of day; properly maintaining all construction equipment; ensuring all equipment is properly equipped with noise-reducing air intakes, exhaust mufflers, and engine shrouds; using electrical power to run power tools and to power temporary structures; siting all stationary construction equipment and staging areas as far away as feasible from residences and educational land uses; and implementing special procedures when construction activities are expected to occur less than 175 feet from existing residences. With the implementation of the above discussed mitigation measure, the potentially significant impact related to construction noise as a result of the proposed Master Plan would be reduced to less than significant.

2.4 Potentially Significant Impacts That Cannot Be Mitigated Below a Level of Significance

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the Board of Trustees, pursuant to Section 15093 of the CEQA Guidelines if the Project is approved. Based on the analysis contained in the Final EIR, the following impact have been determined to be significant and unavoidable. These findings are explained below and are supported by substantial evidence in the record of proceedings.

Noise and Vibration

An evaluation of the Project's impacts related to noise and vibration is provided in Section 4.10, Noise and Vibration, of the Final EIR. Implementation of the proposed Master Plan would generate a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable

standards of other agencies, due to roadway and stadium noise. The stadium noise would be associated with the replacement of the existing stadium with an expanded stadium with additional seating capacity, as part of the Project. Implementation of MM-NOI-2 would avoid a substantial permanent increase in ambient noise levels in the vicinity of the Project due to stadium noise by requiring a noise assessment prior to final design and incorporation of noise reduction measures into the design. However, there are no feasible mitigation measures that the University can implement to reduce the potentially significant impact related to roadway noise at one off-campus location, (ST-7) located at Sixth Avenue and Gigling Road, to less than significant.

Mitigation Measure

MM-NOI-2 Stadium Noise. To minimize noise levels generated by the replacement of the existing stadium with an expanded stadium with additional seating capacity, a noise assessment shall be conducted by a qualified acoustical engineer or noise specialist to evaluate potential increases in noise levels associated with the proposed new and expanded stadium. The assessment shall be conducted prior to final design. Noise reduction measures shall be incorporated into the design to reduce increases in existing operational noise levels at nearby noise-sensitive land uses to below the applicable threshold (i.e., less than 65 dBA CNEL). Such measures may include, but are not limited to, the incorporation of structural shielding, enclosed bleachers, and revised placement for amplified sound system speakers.

Finding

The Board of Trustees finds that implementation of the identified mitigation measure will reduce permanent noise impacts attributable to the Project. Pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which will mitigate, in part, this significant noise impact attributable to the Project, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable, as identified in the Final EIR. However, pursuant to PRC Section 21081(b), see Section 6, Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the Project that outweigh this significant and unavoidable impact.

Rationale

The mitigation measure would avoid a substantial permanent increase in ambient noise levels in the vicinity of the Project due to stadium noise associated with the replacement stadium by requiring a noise assessment prior to final design and incorporation of noise reduction measures

into the design to reduce increases in existing operational noise levels at nearby noise-sensitive land uses to below the applicable threshold. With the implementation of above discussed mitigation measure, the potentially significant impact related to permanent noise from the new stadium component of the proposed Master Plan would be reduced to less than significant.

Regarding the potentially significant roadway noise impact at one off-campus location (ST-7), located at Sixth Avenue and Gigling Road, the University does not have jurisdiction over adjacent land uses or proposed development in this off-campus location. Given that there are no feasible mitigation measures that the University can implement to reduce the roadway noise to less than significant at this location, the roadway noise impact would remain significant and unavoidable.



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3 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires an EIR describe “a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” The Final EIR identified and considered the following reasonable range of feasible alternatives to the Project that would be capable, to varying degrees, of reducing identified impacts and meeting the basic objectives of the Project:

- Alternative 1: No Project Alternative / Existing Master Plan
- Alternative 2: Reduced Enrollment Alternative
- Alternative 3: Expanded Housing Growth Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the Project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the Project as described in the Final EIR.

3.1 Alternative 1: No Project Alternative / Existing Master Plan

As required by the CEQA Guidelines, an EIR’s alternatives analysis must include consideration of the No Project Alternative. The “No Project” analysis discusses the existing conditions as well as what would reasonably be expected to occur in the foreseeable future if the Project was not approved (14 CCR Section 15126.6 (e)(2) and (3)(A)). Under Alternative 1: No Project Alternative / Existing Master Plan, the campus would not be able to increase on-campus enrollment above 8,500 FTES, as authorized by the existing Master Plan, last revised in 2016. Given that during the 2016-2017 academic school year, CSUMB’s total enrollment was 6,634 FTES, some modest amount of additional FTES growth could be achieved under the existing Master Plan (approximately 1,866 FTES). While the existing Master Plan does identify multiple sites for new academic buildings, housing, and other uses, FTES capacity beyond 8,500 FTES cannot be built until an enrollment ceiling increase is approved by the Board of Trustees. Based on the existing Master Plan, Academic IV and Academic V could potentially be implemented under Alternative 1, which would provide for approximately 172,000 GSF of additional space to accommodate the remaining FTES increase under the existing Master Plan; however, no new on-campus housing would be built under Alternative 1.

Alternative 1 (No Project Alternative / Existing Master Plan) would reduce impacts in all impact categories and would reduce the significant and unavoidable operational noise impact at the one off-campus location (Sixth Avenue and Gigling Road) to less than significant.

Finding

The Board of Trustees rejects Alternative I, No Project Alternative/Existing Master Plan as undesirable as it would not achieve the Project's underlying purpose and does not meet most of the project objectives. Therefore, the Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

Rationale

Alternative I, the No Project Alternative / Existing Master Plan would not advance the University's educational mission by guiding physical campus development through the year 2035 to accommodate gradual enrollment growth up to a future enrollment of 12,700 FTES, while preserving and enhancing the quality of campus life, which is the underlying purpose of the Project and Objective #1. Such an increase in enrollment would provide expanded access to higher education in response to the increasing higher education needs and demands of a growing statewide population and would allow CSUMB to develop into a comprehensive university campus that graduates students that can meet the needs of regional and statewide employers. Alternative I would not meet most of the other identified project objectives as it would not: implement strategies to facilitate student academic success and institutional capacity (Objective #2); provide on-campus housing or a diversity of housing types (Objectives #5 and #6); contribute to providing a unique campus character (Objective #7); provide emphasis on pedestrian access and alternative transportation (Objective #8); and would not meet objectives related to natural and formal open spaces (Objectives #9 and #10). Given that Alternative I would implement Academic IV and Academic V on or near the campus core on already paved and developed infill sites, it would partially meet Objectives #3, but would not meet Objective #4, as it would not create a compact campus core and therefore would not: provide synergies between existing and new educational and research programs; promote an environment conducive to learning; facilitate faculty and student interaction; and facilitate use of shared resources among programs, such as classroom and lab space.

3.2 Alternative 2: Reduced Enrollment Alternative

Alternative 2 provides for a reduced enrollment growth that considers an increase in the on-campus enrollment to 10,500 FTES, which would provide about an 8-year period of growth on the campus. CSU campuses typically grow in 5,000 FTES increments, as providing for lower increments of growth does not typically provide for a long enough period of growth for the campus before needing to seek another enrollment increase. To support the lower enrollment growth, the net increase in building space under Alternative 2 would be reduced to approximately 1.7 million GSF, as compared to 2.6 million GSF with the Project. Likewise, the net increase in housing would be reduced to approximately 2,450 student beds and 485 units for faculty and

staff, which would allow the campus to house 60% of students and 65% of faculty and staff. The above growth would include development of all five of the near-term development components of the Project (i.e., Academic IV, Academic V, Student Housing IIB, Student Housing III, and Student Recreation Phases I and II). Alternative 2 would also focus development on the Main Campus on already paved and developed sites in a similar pattern as the Project; however, fewer buildings would be required to support the enrollment increase, as compared to the Project.

Alternative 2 is the environmentally superior alternative, as it would reduce impacts in all impact categories, as well as reduce the significant and unavoidable operational noise impact at one off-campus location (Sixth Avenue and Gigling Road) to less than significant.

Finding

The Board of Trustees rejects Alternative 2, Reduced Housing Alternative, as undesirable as it would not fully achieve the basic project objectives and may not be financially feasible. Therefore, the Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

Rationale

Alternative 2 would partially but not fully meet most of the identified project objectives. Specifically, while Alternative 2 would allow for an increase of approximately 3,900 FTES up to an increased enrollment cap of 10,500 FTES, it would not fully support the University's educational mission to accommodate gradual student enrollment growth up to a future enrollment of 12,700 FTES, which is the underlying purpose of the Project and Objective #1. As indicated previously, such an increase in enrollment would provide expanded access to higher education in response to the increasing higher education needs and demands of a growing statewide population and would allow CSUMB to develop into a comprehensive university campus that graduates students that can meet the needs of regional and statewide employers. Alternative 2 would partially but not fully meet numerous project objectives given that the alternative would result in less development and enrollment (Objectives #2, #4, #7, #8, #9, and #10). Alternative 2 would meet the objectives to focus development on the Main Campus on already paved and developed sites (Objective #3), and to meet the on-campus housing goals for students, faculty and staff (Objectives #5 and #6).

Given that Alternative 2 provides for a reduced enrollment growth that considers an increase in the on-campus enrollment to 10,500 FTES, which would provide about an 8-year period of growth on the campus, this alternative may be financially infeasible at this time given the time and expense involved in developing the proposed Master Plan and EIR. In contrast, the Project provides a 15-year period of growth on campus, with the on-campus enrollment to 12,700 FTES.

3.3 Alternative 3: Expanded Housing Growth Alternative

Alternative 3, Expanded Housing Growth Alternative, considers an increase in the amount of on-campus housing to reduce trip generation associated with the Project. While the Project would not result in significant transportation impacts related to VMT, it would result in a roadway noise level increase at one off-campus location (ST-7) located at Sixth Avenue and Gigling Road, along the southern edge of the Main Campus, that would be potentially significant. Additional housing could be accommodated on the Main Campus in areas identified as development reserve located in proximity to other existing and proposed housing. This alternative would provide for a projected increase of 5,020 student beds (an increase of 1,200 student beds over the 3,820 beds contemplated by the Project), which would allow for housing approximately 70% of students on campus, instead of 60% proposed under the Project. This increase in student bed spaces would also result in a greater net increase in building space (3 million GSF), as compared to the Project (2.6 million GSF). This alternative would include development of all five of the near-term development components of the Project (i.e., Academic IV, Academic V, Student Housing IIB, Student Housing III, and Student Recreation Phases I and II). Alternative 3 would also focus development on the Main Campus on already paved and developed sites in a similar pattern as the Project, with the addition of housing on one or more of the sites designated as development reserve, as previously indicated.

Alternative 3 has greater impacts in most impact categories but would likely reduce the significant and unavoidable operational noise impact at the one off-campus location to less than significant with the provision of additional on-campus housing, which would reduce vehicle trips to campus.

Finding

The Board of Trustees rejects Alternative 3, Expanded Housing Growth Alternative, as undesirable as it would increase the environmental impacts in all impact categories, except operational noise, with the additional housing development proposed under this alternative. Alternative 3 would likely reduce the significant and unavoidable operational noise impact at the one off-campus location to less than significant with the provision of additional on-campus housing, which would reduce vehicle trips to campus. While Alternative 3 would fully meet most of the project objectives, it may not be financially feasible to develop substantial additional on-campus student beds by 2035.

Rationale

Alternative 3 would fully meet most of the identified project objectives including fully supporting the University's educational mission to accommodate student enrollment growth up to a future enrollment of 12,700 FTES, and providing the physical development to accommodate such

enrollment (Objective #1), as well as most other project objectives. Alternative 3 would only partially meet the objectives of focusing development on the Main Campus on already paved and developed sites and designating natural and formal open space (Objectives #3, #9, and #10), as it would require some housing development on development reserve sites, which are not all paved or developed.

Given that Alternative 3 provides for development of 1,200 additional on-campus student beds, over and housing 70% of students, this alternative may be financially infeasible as it is unknown whether the University could achieve this level of housing growth by 2035.



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4 GENERAL CEQA FINDINGS

4.1 Mitigation Monitoring and Reporting Program

Based on the entire record before the Board of Trustees and having considered the unavoidable significant impacts of the Project, the Board of Trustees hereby determines that all feasible mitigation measures within the responsibility and jurisdiction of CSUMB have been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed above and are set forth in the MMRP. PRC Section 21081.6 requires the Board of Trustees to adopt a monitoring or compliance program regarding the changes in the Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the proposed Master Plan is hereby adopted by the Board of Trustees because it fulfills the CEQA mitigation monitoring requirements: The MMRP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during project implementation; and measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.

4.2 CEQA Guidelines Sections 15091 and 15092 Findings

Based on the foregoing findings and the information contained in the administrative record, the Board of Trustees has made one or more of the following findings with respect to each of the significant effects of the Project: 1. Changes or alterations have been required in, or incorporated into, the 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 such changes have been adopted by such other agency, or can and should be adopted by such other agency; and 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 Final EIR. Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing: 1. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible; and 2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

4.3 Independent Judgment of the Board of Trustees of The California State University

The Final EIR for the proposed Master Plan reflects the Board of Trustees' independent judgment. The Board of Trustees has exercised independent judgment in accordance with

PRC 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the Final EIR, as well as reviewing, analyzing and revising material prepared by the consultant. Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the Board of Trustees hereby makes findings pursuant to and in accordance with PRC Sections 21081, 21081.5, and 21081.6.

4.4 Nature of Findings

Any findings made by the Board of Trustees shall be deemed made, regardless of where it appears in this document. All language included in this document constitutes findings by the Board of Trustees, whether or not any particular sentence or clause includes a statement to that effect. The Board of Trustees intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the Board of Trustees with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

4.5 Reliance on Record

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the Project.

Record of Proceedings

In accordance with PRC Section 21167.6(e), the record of proceedings for the Board of Trustees' decision on the Project includes the following documents:

- The original NOP and the Revision to Previously Issued NOP for the Project and all other public notices issued in conjunction with the Project;
- All comments submitted by agencies or members of the public during the comment periods on the NOP and the Revision to Previously Issued NOP;
- The Draft EIR for the Project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, revisions to the Draft EIR as presented where needed in the comprehensive Final EIR, and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The MMRP for the Project;

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- All findings and resolutions adopted by the Board of Trustees in connection with the Project and all documents cited or referred to therein;
 - All reports, studies, memoranda, maps, or other planning documents relating to the Project prepared in compliance with the requirements of CEQA and with respect to the Board of Trustees' action on the Project;
 - All documents submitted by other public agencies or members of the public in connection with the Project, up through the close of the final public hearing;
 - Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the Project;
 - Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
 - Any and all resolutions adopted by the CSU regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
 - Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
 - Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
 - Any other written materials relevant to the Board of Trustees' compliance with CEQA or its decision on the merits of the Project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the Project, or included in the Board of Trustees non-privileged retained files for the EIR or Project;
 - Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
 - The Notice of Determination.

The Board of Trustees intends that only those documents relating to the Project and its compliance with CEQA and prepared, owned, used, or retained by the Board of Trustees and listed above shall comprise the administrative record for the Project. Only that evidence was presented to, considered by, and ultimately before the Board of Trustees prior to reviewing and reaching its decision on the EIR and Project.

Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings upon which the Board of Trustees' decision is based is identified as follows:

CSUMB Office of the President
California State University, Monterey Bay
100 Campus Center, Building I
Seaside, California, 93955

Recirculation Not Required

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when “significant new information” is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines Section 15088.5(a).) “Significant new information,” as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a “substantial adverse environmental effect” 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.”

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a “new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;” that a “substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance;” or that a “feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it” (CEQA Guidelines Section 15088.5(a)(1)-(3)).

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” (CEQA Guidelines Section 15088.5(b)). Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is “intended to be an exception rather than the general rule” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132).

In this legal context, the Board of Trustees finds that recirculation of the Draft EIR prior to certification is not required, none of the revisions result in a new significant impact or in a

substantial increase in the severity of an environmental impact that cannot otherwise be reduced to less than significant with identified mitigation measures. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the Project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.



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5 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Board of Trustees certifies that the Final EIR, dated May 2022, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the Board of Trustees, and that the Board reviewed and considered the information contained therein before approving the proposed Master Plan, and that the EIR reflects the independent judgment and analysis of the Board (CEQA Guidelines Section 15090).



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6 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093(a) and (b), the Board of Trustees is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (CEQA Guidelines Section 15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs (see *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656).

In accordance with the requirements of CEQA and the CEQA Guidelines, the Board of Trustees finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen most of the significant effects identified in the Final EIR for the proposed Master Plan. However, one significant impact of the proposed Master Plan is unavoidable, as there are no feasible mitigation measures that would reduce the impact. This significant unavoidable impact is related to mobile source operational noise at one off-campus location at Sixth Avenue and Gigling Road, along the southern edge of the Main Campus. The Final EIR provides detailed information regarding this impact (see Section 2.4, Potentially Significant Impacts that Cannot Be Mitigated Below A Level of Significance, of this document).

The Board of Trustees finds that all feasible mitigation measures identified in the Final EIR within the purview of the CSU will be implemented with implementation of the proposed Master Plan, and that the remaining significant unavoidable effect is outweighed and found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

- I. The proposed Master Plan will support and advance the University’s educational mission by accommodating gradual student enrollment growth up to a future enrollment of 12,700

FTES and guiding the physical development of the campus to provide expanded access to higher education in response to the increasing higher education needs and demands of a growing statewide population and to develop into a comprehensive university campus that graduates students that can meet the needs of regional and statewide employers, while preserving and enhancing the quality of campus life.

2. The proposed Master Plan will implement strategies to facilitate student academic success, academic excellence, institutional capacity, and regional stewardship.
3. The proposed Master Plan will focus new building development on existing paved and developed infill sites on the Main Campus to provide compact and clustered development and make efficient use of campus land.
4. The proposed Master Plan will provide and concentrate facilities for expansion of academic programs and administrative functions on the Main Campus, in or near the campus core to: create a compact campus core; provide synergies between existing and new educational and research programs; provide for a 10-minute walking distance from transportation hubs and between classroom buildings; facilitate use of shared resources among programs, such as classroom and lab space; facilitate faculty and student interaction; and promote an environment conducive to learning.
5. The proposed Master Plan will provide on-campus housing for 60% of FTES and 65% of FTE faculty and staff to reduce vehicle trips to campus, meet other Master Plan Guideline's sustainability priorities and objectives, and promote recruitment, retention and engagement of faculty and staff.
6. The proposed Master Plan will provide a diversity of housing types to serve a broad range of student, faculty and staff housing needs.
7. The proposed Master Plan will create a unique campus character through buildings, outdoor spaces, pathways, bikeways, and roadways that connect those spaces while also producing a sense of community on campus.
8. The proposed Master Plan will provide emphasis on pedestrian access and alternative transportation and attain a modal shift from vehicles to more pedestrian, bicycle, and transit use.
9. The proposed Master Plan will preserve and enhance natural open spaces and develop formal open spaces so they become integral to the character of the campus.
10. The proposed Master Plan will integrate natural and formal open spaces into the framework for capital development. Organize the built environment around an open space network to integrate the natural and built environments and enhance outdoor learning, social interaction, recreation, and the overall campus ambiance.

Considering all the factors, the Board of Trustees finds that there are specific economic, legal, social, technological, and other considerations associated with the Project that serve to override and outweigh the Project's significant unavoidable effect and, thus, the adverse effect is considered acceptable. Therefore, the Board of Trustees hereby adopts this Statement of Overriding Considerations.



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California State University
MONTEREY BAY

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