Findings of Fact
and
Statement of Overriding Considerations

Pursuant to Sections 21081 and 21081.6 of the Public Resources Code
and Sections 15091 and 15093 of the CEQA Guidelines

Student Housing Replacement

California State Polytechnic University, Pomona

CAL POLY POMONA

Final Environmental Impact Report
State Clearinghouse Number 2015111042

August 2016

Findings of Fact

1.0 INTRODUCTION

1.1 Purpose

This statement of Findings of Fact addresses the environmental effects associated with the California State Polytechnic University, Pomona (Cal Poly Pomona) Student Housing Replacement project located on the Cal Poly Pomona campus in Pomona, California. These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081 and 21081.6 of the Public Resources Code and Sections 15091 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et. seq. The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR, as well as additional facts found in the complete record of proceedings.

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The California State University (CSU) Board of Trustees 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 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 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. As required by CEQA, the Board of Trustees, in adopting these findings, also adopts a Mitigation Monitoring and Reporting Program for the project. The Board of Trustees finds that the Mitigation Monitoring and Reporting Program, which is incorporated by reference and made a part of these findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the CSU Board of Trustees finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are 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 project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project.

1.2. Organization and Format of Findings

Section 1.0 contains a summary description of the project and background facts relative to the environmental review process. Section 2.0 discusses the CEQA finding of independent judgment. Section 3.0 identifies the impacts of the project that were studied in the EIR. Section 3.1 of these Findings identifies the significant impacts of the project that cannot be mitigated to a less than significant level, even though all feasible mitigation measures have been identified and incorporated into the project.

Section 3.2 identifies the potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures. Section 3.3 identifies the project's potential environmental effects that were determined not to be significant and, therefore, do not require mitigation measures. Section 4.0 discusses the feasibility of project alternatives. Section 5.0 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the Mitigation Monitoring Program (MMP).

1.3 Summary of Project Description

The project provides student housing facilities on campus that are necessary in order to replace the existing aging student housing facilities which are located in the seismic zone. Those existing facilities currently provide 1,400 student beds, and include Cedritos, Palmitas, Encinitas, Alamitos, Aliso, and Montecito residence halls, and the Los Olivos Dining Commons.

The student housing replacement facilities will be located on a 13-acre site in the southeastern area of the campus, which is currently used as a horse pasture. The project includes shifting a segment of Kellogg Drive to the east, placing it along the eastern boundary of the site, and separating the site from the horse pasture to the east.

The project facilities will provide student housing with 1,645 beds, a dining facility, and associated surface parking. These new student residence facilities will replace 1,400 beds in existing student residence halls, as well as provide 245 additional beds on campus. The facilities are anticipated to be developed in two phases, with approximately 980 beds provided by 2019, and the remaining 665 beds by 2022. As each phase of the student housing facilities is completed, the existing student housing facilities that are being replaced will be removed.

The residence halls are anticipated to be six to eight stories tall, and the dining commons will be a single-story facility.

To serve these facilities, the existing central plant on campus will also be improved.

1.4. Project Objectives

CEQA states that the statement of project objectives should be clearly written and define the underlying purpose of the project, in order to permit the development of a reasonable range of alternatives and aid the Lead Agency in making findings.

The primary project objectives are to:

- Provide the student housing replacement facilities necessary to replace the existing aging student housing facilities which are located in a seismic fault zone
- Enhance the provision of student housing on campus to help accommodate the strong student demand for on-campus housing
- Enhance the provision of student housing on campus since living on campus increases students' academic success and improves graduation rates

1.5. Environmental Review Process

Initial Study and Notice of Preparation: In accordance with the requirements of CEQA and the CEQA Guidelines, to determine the number, scope and extent of environmental issues, the Notice of Preparation (NOP) of the Draft Environmental Impact Report was circulated for public review for a period of 30 days, beginning on November 17, 2015 and ending on December 16, 2015.

Draft EIR: In accordance with the requirements of CEQA and the CEQA Guidelines, a Draft EIR was prepared to address the potential significant environmental effects associated with the Student Housing Replacement project identified during the NOP process. Based on the NOP and Initial Study scoping process, the EIR addressed the following potential potentially significant environmental issues:

- Aesthetics
- Air Quality and Greenhouse Gases (GHG)
- Traffic and Circulation
- Fire and Police Protection Services
- Utilities and Service Systems, Hydrology and Water Quality
- Historic and Cultural Resources
- Construction Effects
- Long-term and Cumulative Effects

The Draft EIR was released for public and agency review 45-day period, from May 31, 2016 to July 14, 2016. The University also held a public meeting on June 28, 2016 to provide the public an opportunity to comment on the adequacy of the information presented in the Draft EIR. No comments were received at the meeting. During the Draft EIR public review period, the University received four comment letters.

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 a 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 minor revisions to the Draft EIR as needed.

The Final EIR assembles in one document all of the environmental information and analysis prepared for the proposed project, including comments on the Draft EIR and responses by the University to those comments.

Pursuant to Section 15132 of the State CEQA Guidelines, the Final EIR consists of the following:

(a) The revised Draft EIR, including all of its appendices.
(b) A list of persons, organizations, and public agencies commenting on the Draft EIR.
(c) Summaries of all oral comments received on Draft EIR and responses to those comments
(c) Copies of all letters received by the University during the Draft EIR public review period and responses to the comments.
(d) Any other information added by the Lead Agency.

2.0 CEQA FINDING OF INDEPENDENT JUDGMENT

The Final EIR reflects the Board of Trustees' independent judgment. The Board of Trustees has exercised independent judgment in accordance with Public Resources Code 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the 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 of the California State University hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

3.0. FINDINGS OF FACT

3.1 Environmental Effects of the Project which are Considered Unavoidable Significant Impacts

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 impacts have been determined to be significant unavoidable:

- Aesthetics impact associated with a change in visual character of the project site
- Impact on historic resources associated with removal of the existing student housing facilities that are being replaced by the project
- Short-term and intermittent cumulative construction effects on air quality

Summary of Aesthetics Impact

The project's student residence hall will incorporate architectural details, varied structure rooflines, distinctive building facades, shielded lighting, landscaping, and other features to enhance visual character and quality. The project will also complement the existing Residential Suites student housing facilities to the south of the site, and merging with these Residential Suites will create a larger campus residential community that includes housing, dining, and recreation. It will also create a visual character and an overall visual image representing the student residential community. However, while the implementation of design features into the new facilities and site design is anticipated to result in the development of the site that, on its own, is visually high quality and attractive in a long-term, the change itself from a horse pasture to an urban landscape may be considered by some to be a significant impact in the visual character of the site and the surrounding area.

Mitigation Measures

The project design will incorporate architectural details, varied structure rooflines, distinctive building facades, shielded lighting that is focused away from the surrounding area, landscaping, and other features to enhance visual character and quality of the student replacement facilities. These measures will enhance the visual character of the student housing replacement facilities; however there are no additional feasible mitigation measures to reduce the visual effect of the change itself from a horse pasture to urban landscape.

Findings

The Board of Trustees finds that the design of the project will enhance the visual character of the student housing replacement facilities; however there are no additional feasible mitigation measures to reduce the visual effect of the change itself from a horse pasture to urban landscape. Thus, the aesthetics impact is considered significant and unavoidable.

Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the alternatives identified in the EIR and the identified aesthetics impact is thereby acceptable because of specific overriding considerations (see Statement of Overriding Considerations).

Summary of Impact on Historic Resources

The project will replace existing student housing facilities that are located in the seismic zone, including the Palmitas and Cedritos residence halls. These halls appear to be eligible for the California Register as part of a historic district because it is a significant example of the work of the highly noted Southern California architectural firm, Smith & Williams.

Mitigation Measures

The following mitigation measures will be implemented prior to removal of the Palmitas and Cedritos residence halls:

1. Commission professional HABS-style photographic documentation of the entire potential historic district with color 35-millimeter photographs, accompanied by HABS outline documentation. Building documentation should concentrate on the Palmitas and Cedritos residence halls buildings and their settings, but should also cover the La Cienega Center – which is a contributor to the district. File the documentation with the Cal Poly Pomona Library Department of Special Collections and Archives as well as with the Smith & Williams records, Architecture and Design Collection of the Art, Design & Architecture Museum at the University of California, Santa Barbara.

2. Commission professional, brief video documentation with informal narration of the entire district to note the landscape, indoor and outdoor spaces, qualities and materials of the buildings, and the interconnections among the buildings in the grouping. File the video documentation with the Cal Poly Pomona Library Department of Special Collections and Archives.

Findings

The Board of Trustees finds that even with the incorporation of the identified mitigation measures impact to historic resources resulting from removal of the Palmitas and Cedritos residence halls will remain significant and unavoidable.

Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the alternatives identified in the EIR and the identified impact on historic resources is thereby acceptable because of specific overriding considerations (see Statement of Overriding Considerations).

Summary of Short-term Cumulative Construction Impact on Air Quality

An evaluation of the short-term and intermittent construction impacts associated with the project is found in Section 3.7, Construction Effects, of the Final EIR.

The construction of the student replacement facility and improvements will include phased demolition of existing student housing being replaced, construction, grading, and other site preparation activities. All construction activities will proceed in compliance with the South Coast Air Quality Management District (SCAQMD) rules and regulations. Nonetheless, a "worst-case" peak day construction emissions, where it is assumed that some phases of construction of the student replacement facility, existing facilities demolition, and construction of a related administration facility replacement project will overlap, the short-term cumulative peak day construction emissions could be above the SCAQMD threshold amounts for ROG and NO_x.

Mitigation Measures

The University will implement the following mitigation measures to reduce the identified significant impact by imposing conditions on the construction contractor.

1. During high wind episodes (wind speeds exceeding a sustained rate of 25 miles per hour); grading or other high-dust generating activities will be suspended.
2. During smog alerts, all construction activities will be suspended.
3. All construction equipment will be properly tuned.
4. Diesel particulate filters are installed on diesel equipment and trucks and low sulfur diesel will be used for construction equipment.
5. Gasoline, butane, or electric power construction equipment will be used if feasible.
6. To reduce emissions from idling, the contractor shall ensure that all equipment and vehicles not in use for more than 5 minutes are turned off, whenever feasible.
7. Low VOC-content asphalt and concrete will be utilized to the extent possible.
8. All stockpiles will be covered with tarps or plastic sheeting.
9. Speeds on unpaved roads will be reduced below 15 miles per hour.
10. All haul trucks that carry contents subject to airborne dispersal will be covered.
11. All access points to the site used by haul trucks will be kept clean during site earthwork.
12. Exposed surfaces will be watered as needed.
13. All access points used by haul trucks will be kept clean during earthwork.
14. Electricity from power poles rather than temporary diesel or gasoline generators will be used to the extent available.
15. As needed, outdoor activities in the site vicinity will be limited during high-dust and other heavy construction activities.
16. Throughout the construction period, the filters in the ventilation systems in the child care center building and residential suites to the south of the of the project site will be inspected on a monthly basis and replaced as needed to ensure that the systems are providing proper ventilation.

Findings

The Board of Trustees finds that even with the incorporation of the identified mitigation measures short-term cumulative construction impact on air quality will remain significant and unavoidable.

Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the alternatives identified in the EIR and the identified short-term and intermittent construction impact is thereby acceptable because of specific overriding considerations (see Statement of Overriding Considerations).

3.2 Environmental Effects Evaluated in the Final EIR Which Can Be Avoided or Substantially Lessened to Less Than Significant Levels with Implementation of the Identified Mitigation Measures

This section identifies significant adverse impacts of the project that require findings to be made pursuant to Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines. Based on information in the Final EIR, the Board of Trustees finds that, based upon substantial evidence in the record, adoption and implementation of the mitigation measures set forth below will reduce the identified significant impacts to less than significant levels. Based on the analysis contained in the Final EIR, the following impacts have been determined to be impacts that can be reduced to less than significant levels with implementation of the mitigation measures set forth below:

- Construction-related impacts on noise, traffic, and solid waste facilities

Construction Impacts on Noise, Traffic, and Solid Waste Facilities

Noise: Construction activities will result in a temporary increase in ambient noise levels in the vicinity of a construction site from heavy equipment, power and air tools, compressors, trucks, and from loading and unloading that will occur with varying frequency and intensity. These temporary noise levels will not be continuous but will vary as equipment is used for varying lengths of time throughout the construction period and high levels of construction noise usually are limited to the immediate vicinity of construction activities. Nonetheless, short-term and intermittent noise from construction will be audible within the adjacent area. As the pasture of the Arabian Horse Center - which is a noise sensitive use, is immediately adjacent to the site, the University will work with the Center throughout the construction of the student housing replacement facilities to provide advanced information about construction activities that are scheduled to take place and their duration, with a focus on minimizing noise effects to the extent feasible. In addition, since other noise sensitive uses, including the child care center and residential suites are located nearby the site to the south, mitigation measures have been identified to reduce this potentially significant impact.

Traffic/Circulation: Construction activity will add trucks and construction equipment to streets in the area. Haul trucks and heavy equipment usually travel more slowly than other traffic on the street network and require more time to enter and exit traffic flows. When heavy equipment enters or exits a construction site, it may interrupt vehicular or pedestrian traffic. Construction activities associated with the Student Housing Replacement project will involve the use of trucks, usually for short periods of time, to deliver construction materials and haul away construction debris These trucks and equipment may cause localized congestion at some locations in the surrounding area, which is a potentially significant impact if not properly mitigated. Therefore, mitigation measures have been identified to reduce these potential impacts.

Solid Waste: Construction of the Student Housing Replacement project will generate construction materials waste. Even though the overall construction activities associated with the Project will not involve massive construction that could generate significant amounts of solid waste, mitigation has been identified to reduce this impact.

Mitigation Measures

The University will implement the following mitigation measures to reduce identified significant impacts by imposing conditions on the construction contractor.

Noise

1. Construction hours will be restricted per City of Pomona regulations, which limit the hours of construction activity between 7:00 am and 6:00 pm Monday through Friday, and from 8:00 am and 6:00 pm on Saturdays. No construction activity will take place on Sunday or federal holidays.
2. Muffled construction equipment will be used whenever possible.
3. Construction staging areas will be located as far as possible from nearby uses.
4. As needed, a temporary barrier of no less than 8 feet in height made of solid wood or other similar material will be provided along the site's northern boundary adjacent to the horse pasture of the Arabian horse center, and along the site's southern boundary to protect the nearby child care center and residential suites from construction noise.

Traffic and Circulation

1. A flag person will be employed as needed at various intersections to direct traffic when heavy construction vehicles enter the campus.
2. Construction and haul trucks will use the City of Pomona designated truck routes to travel to and from the site.
3. Construction-related truck traffic will be scheduled to avoid peak travel time on the I-10 freeway and State Route 57, as feasible.
4. Hauling of equipment and materials and other truck trips during construction will be scheduled during non-peak hours, to the extent feasible.

Solid Waste

1. Construction inert materials, including vegetative matter, asphalt, concrete, and other recyclable materials will be recycled to the extent feasible.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the

potential noise, traffic, and solid waste construction-related impacts to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Section 21081(a)(1) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the potentially significant noise, traffic, and solid waste impacts as identified in the Final EIR.

3.3 Environmental Effects Found to Be Less Than Significant

This section identifies impacts of the project that are less than significant and do not require mitigation measures. Based on information in the Final EIR, the Board of Trustees finds that based upon substantial evidence in the record, the following impacts have been determined be less than significant:

- Traffic and circulation
- Fire and police protection services
- Short-term construction- related water quality
- Cumulative impacts, other than short-term construction-related air quality
- Growth-inducing impacts

Traffic and Circulation Impact

An evaluation of project's traffic impact on study intersection is found in Section 3.1 Traffic and Circulation, of the Final EIR.

The project will reduce student commute trips and VMTs which will have a beneficial effect of reducing vehicular travel on the street system surrounding the project. Overall, the project will generate 13 net trips in the morning peak hour and 27 trips in the afternoon peak hour. The addition of this small number of trips will not result in a significant project-specific or cumulative impact at any of the study intersections, freeways, or arterials.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential the potential impact related to the project's traffic impact on study intersections is less than significant and no mitigation measures are required.

Impact on Fire and Police Protection Services

An evaluation of project's impacts on fire and police protection services is found in Section 3.3, Fire and Police Services, of the Final EIR.

The project's development will incorporate comprehensive safety and security measures in new student housing replacement facilities, including alarm systems, safety and security lighting, and other features, and will provide all required emergency access. Fire safety is will be incorporated in the design and construction of all facilities, and will include consultations with the Fire Marshal and University fire officials to ensure that all requirements are met. All required fire safety features, including smoke detectors and full sprinkler systems, fire lines and hydrants with appropriate fire flows, and unobstructed fire emergency access will also be provided. With these features, impact on police and fire services will be minimized.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential the potential project impact on fire and police protection services is less than significant and no mitigation measures are required.

Impact on Utilities and Service Systems, and Hydrology and Water Quality

An evaluation of project's impacts on utilities and services, and hydrology and water quality is found in Section 3.4, Utilities and Service Systems, and Hydrology and Water Quality, of the Final EIR.

Project includes provision of all necessary utility infrastructure connecting to the campus' existing water, sewer, and drainage utility grid which has the capacity to accommodate the project. The mandated water conservation measures including ultra-low-flow toilets, urinals, taps, water conservation plumbing, and other required conservation measures; use native or drought-resistant vegetation in landscaping, and use recycled water for irrigating landscaped areas, that will reduce the amount of water used, as well as the resultant sewer discharges. With implementation of stormwater management control best management practices (BMPs), including provision of bioswales, runoff will be captured, retained, and filtered, reducing stormwater discharges and improving stormwater quality. The student housing replacement facilities development will also implement comprehensive waste reduction, diversion, and recycling programs that will significantly reduce the amount of waste needed disposal. With these components and payment of all legally required capital facilities fees, impact on utility systems, hydrology and water quality will be minimized.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential the potential project impact on utilities and service systems, and hydrology and water quality is less than significant and no mitigation measures are required.

Short-term Construction Related Water Quality

An evaluation of project's short-term construction-related impacts on water quality is found in Section 3.6, Construction Impacts, of the Final EIR.

In compliance with existing regulations, all construction activities will implement a Storm Water Pollution

Prevention Plan (SWPPP), which includes best management practices (BMPs), such as scheduling grading during dry weather and replanting vegetation as soon as possible, and/or other measures.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential short-term construction-related impacts on water quality is less than significant and no mitigation measures are required.

Cumulative Impacts on Traffic/Circulation, Historic Resources, and Fire and Police Services

An evaluation of cumulative impacts associated with the project is found in Section 5.0, Cumulative Effects, of the Final EIR.

The project will reduce student commute trips and VMTs which will have a beneficial effect of reducing vehicular travel on the street system surrounding the project. Overall, the project will generate 13 net trips in the morning peak hour and 27 trips in the afternoon peak hour. The addition of this small number of trips will not result in a significant cumulative impact at any of the study intersections, freeways, or arterials. Overall, the Student Housing Replacement project will result in a beneficial impact of reducing vehicle miles travelled (VMTs) by providing additional student beds within the replacement facilities on campus.

The project will result in a significant impact on historic resources because two of the existing facilities that are being replaced appear to be eligible for listing on the California Register as part of a historic district. The potential historic value associated with these buildings is due to the buildings' potential of providing a significant example of the work of the highly noted Southern California architectural firm, Smith & Williams. The related projects do not involve or affect any historic buildings or any other historic resources. Therefore, while the project's impact is considered to be significant, there are no related projects involving any historic resources or specifically, any buildings designed by Smith & Williams architects, and therefore cumulative impact will not be significant.

The project and the related projects are located within the Cal Poly Pomona campus and will be served by the University Police Department. All projects will incorporate comprehensive safety and security measures in new facilities, including alarm systems, safety and security lighting, and other features, and will provide all required emergency access. As appropriate, the project will also contribute to appropriate staffing of the University Police Department. Fire safety is will be incorporated in the design and construction of the project and related projects, and will include consultations with the Fire Marshal and University fire officials to ensure that all requirements are met. All required fire safety features, including smoke detectors and full sprinkler systems, fire lines and hydrants with appropriate fire flows, and unobstructed fire emergency access will be provided. Therefore, while the provision of student replacement facilities by the project together with related projects will result in an incremental increase in demand for police and fire protection services, this increase will be minimized through implementation of comprehensive safety and security measures in new facilities and appropriate staffing of the University Police Department, and cumulative impact will be less than significant.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the project on historic resources and fire and police services are less than significant and no mitigation measures are required.

Growth-inducing and Irreversible Effects

An evaluation of growth-inducing and irreversible effects associated with the project is found in Section 5.0, Cumulative Effects, of the Final EIR.

The project provides for replacement of existing student housing facilities on campus, and additional student beds in its new replacement facilities. The project does not provide housing for residents of the city or the surrounding areas that could induce population growth, and will not result in an increase in student enrollment at Cal Poly Pomona. The project includes all necessary improvements to the existing infrastructure, and no excess capacity that could induce growth will be provided.

Implementation of the Student Housing Replacement project will commit non-renewable resources during construction and operation. During construction, the use of building materials (e.g., aggregate, sand, cement, steel, etc.) and energy resources (e.g., gasoline, diesel fuel, electricity) largely would be irreversible and irretrievable. Energy will be consumed in processing building materials and for transporting these materials and construction workers to the project site. The project facilities can be expected to have a life span of approximately 50 years. Resources consumed during construction of the project, (such as fuel and building materials) will be used in quantities proportional to similar student housing development in Southern California and are not considered a wasteful use of resources. The nonrenewable resources consumed for this project are comparable to the use of resources for student housing at other major universities and colleges throughout the region and the country.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential growth-inducing and irreversible effects of the project are less than significant and no mitigation measures are required.

3.3.2 Environmental Effects Determined Not to be Significant in the NOP Scoping Process and Not Discussed in the EIR

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. The Executive Summary and Appendix A of the Final EIR addresses the potential environmental effects that have been found not to be significant as a result of the Initial Study analysis completed as part of the Notice of Preparation (NOP) process, the NOP public review process, and the responses to the NOP. Based on the NOP process, the project was determined to result in either no impact, or a less than significant impact without the implementation of mitigation measures on the following resources, and were therefore, not discussed in detail in the EIR:

- Agricultural and forest resources
- Biological resources
- Geology and soils
- Hazards and hazardous materials
- Land use and planning
- Mineral resources
- Noise
- Population and housing
- Recreation

3.4 Environmental Impacts Found to Be Beneficial

The Final EIR identifies the following project-specific and cumulative effects of the Student Housing Replacement project that are beneficial:

- Reducing vehicle miles traveled (VMTs): The provision of additional 245 beds in the project's student housing replacement facilities will result in a reduction of approximately 2,500 vehicle miles traveled (VMTs) per day from commute trips.

- Reducing vehicular air pollutant emissions and greenhouse gases (GHG): By reducing commute trips, the project will result in a reduction of GHG as well as in reduction in ROG and NO_X emissions.
  Overall, the project will reduce GHG by 578 metric tons of CO_2e per year in comparison with GHG emissions generated by the existing student housing facilities that are being replaced by the project. By reducing vehicular commute, the project will result in reducing long-term air pollutant emissions NOx and ROG by at least 2.6 and 6.1 pounds per day, respectively, and reducing GHG by at least 1,558 metric tons of CO2e per year.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential project-specific and cumulative effects of the Student Housing Replacement project on reducing vehicle miles traveled (VMTs) and reducing vehicular air pollutant emissions and greenhouse gases (GHG) are beneficial and no mitigation measures are required.

4.0 Findings Regarding Considerations That Make Alternatives Analyzed In the Final EIR Infeasible

The analysis of alternatives to the project is found in Section 4.0 of the Final EIR. Based on the analysis and the entire record, the Board of Trustees finds as follows:

Alternative 1: "No Project"

The No Project alternative, required to be evaluated in the EIR, considers "existing conditions…as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" [CEQA Guidelines Section 15126.6(e)(2)]. Pursuant to this alternative the project site would remain in its current condition and would continue its current use as a horse pasture. This alternative would not achieve any of the project's primary objectives to provide the student housing replacement facilities necessary to replace the existing aging student housing facilities which are located in a seismic fault zone; to enhance the provision of student housing on campus to help accommodate the strong student demand for on-campus housing; or to enhance the provision of student housing on campus since living on campus increases students' academic success and improves graduation rates. The Board of Trustees therefore finds this alternative infeasible.

Alternative 2: Smaller Project

The project facilities will provide student housing with 1,645 beds. The new student residence facilities will replace 1,400 beds in existing student residence halls, as well as provide 245 additional beds on campus. Pursuant to this alternative, the project would only replace student beds in the existing facilities as those facilities need to be removed due to their location in a seismic fault zone.

Pursuant to this alternative, new student residence halls would be constructed on the site. As with the project, the buildings would be six to eight story since providing 245 fewer student beds would require similar size facilities to accommodate 1,400 replacement beds. As with the project, the change from the existing horse pasture to an urban landscape with a cluster of relatively tall buildings would introduce urban visual character onto the site and expand urban visual character within the campus. As with the project, the implementation of design features into the new facilities and site design would be anticipated to result in the development of the site that, on its own, would be visually high quality and attractive in a long-term. However, the change itself

to an urban landscape could be considered by some to be a significant impact in the visual character of the site and the surrounding area that cannot be mitigated.

As with the project, this alternative would involve removal of the existing student facilities, including the Palmitas and Cedritos residence halls and their landscape features which are considered potentially eligible for listing on the California Register of Historical Resources. As with the project, removal of these facilities would result in a significant impact on historic resources that cannot be fully mitigated. The construction of new facilities under this alternative would generate short-term and intermittent air pollutant emissions. As with project, the peak construction day emissions of ROG and NOx under this alternative may exceed the SCAQMD threshold, resulting in significant project and cumulative impact.

Therefore, providing only the necessary replacement student beds would neither avoid nor substantially reduce any significant project impacts, and would eliminate the project's beneficial long term impact on air quality from reducing vehicular emissions associated with student commute trips. Furthermore, this alternative would not achieve primary project objectives of enhancing the provision of student housing on campus to help accommodate the strong student demand for on-campus housing, and enhancing the provision of student housing since living on campus increases students' academic success and improves graduation rates. Therefore, this alternative is considered environmentally inferior to the project and the Board of Trustees therefore finds this alternative infeasible.

Alternative 3: Alternate Location

The University conducted a year-long evaluation process for the Student Replacement project. The evaluation process started with examination of the entire area of the main campus and immediately south of West Temple Avenue. In the first step of the process, the area was evaluated based on checking for basic constraints of: a location in a seismic zone, built area, major roadways, legacy or committed land that cannot be used for student housing, and extreme slopes. Areas that were subject to these constraints were then removed from further consideration. The next step of the process involved identifying criteria for student housing in terms of location, community connections, and infrastructure. The location criteria included proximity to academic facilities; proximity to recreation; proximity to student services; proximity to existing student housing; proximity to potential central dining, and proximity to open space. Community connections criteria included a strong freshman community and a sense of inclusion with campus community. The infrastructure criteria included safety and security, adequate site size, utility and central plant needs, as well as pedestrian and bicycle accessibility. Based on those criteria, the potential 10 locations were identified and surveyed.

In the next step, those locations were ranked and four most highly ranked locations - including the project site, were identified. Then, those locations were further evaluated, including identifying challenges associated with each site. The first of the three sites other than the project site - is located in the southwestern corner of the campus is close to the existing high school and relatively distant and isolated from other student housing and the center of the campus; it has poor pedestrian and bicycle accessibility, and would require a satellite dining service and a dedicated central plant due to its relatively remote location. The second of those sites due

to its linear configuration provides limited options for open space and creating a sense of community; it is close to the parking structure 1 which creates a barrier behind the site and divides the site with its major entrance; and would require replacing surface parking that is currently provided on this site. Third site could require replacing the soccer stadium, track or baseball field, which have been recently upgraded.

Providing student housing on those sites would result in a range of environmental effects including the need to construct a new central plant, the need to replace existing facilities, site configuration that would require very dense clustering of buildings, and poor pedestrian and bicycle accessibility. Providing student replacement housing at any of those sites would result in the same unavoidable environmental impacts as those of project, including changing visual character of the site, removing existing student housing facilities that have potential historic value, and generating air pollutant emissions during construction. Thus, none of those alternative sites would eliminate or substantially reduce these impacts, and some of those sites would result in additional or greater impacts.

The project location was selected because it offered the most advantages for future student residents. Since student housing at the site will also merge with the Residential Suites student housing, it will create a larger campus residential community that includes housing, dining, and recreation. The project site is close to the center of campus, allowing students to get to the BRIC, the Bronco Student Center, and the University Library within minutes. The site is also adjacent to the pastures of the W.K. Kellogg Arabian Horse Center and is close to the athletics fields. In addition, by shifting Kellogg Drive eastward to integrate the new freshmen housing with the rest of the university campus, vehicle traffic will be directed away from the core of campus enhancing pedestrian and bicycle accessibility and safety.

The Board of Trustees therefore finds the alternate location alternative infeasible.

Alternative 4: More Student Housing

This alternative considers providing additional student housing at the project site to accommodate 2,500 students, including 1,400 students relocated from the existing residence halls that will be removed. With a waiting list of about 1,500 for on campus housing for freshmen students, the need for additional student housing on campus has become acute.

Pursuant to this alternative, and as with the project, the new facilities would be six to eight story tall. As with the project, the change from the existing horse pasture to an urban landscape with relatively tall buildings would introduce urban visual character onto the site and expand urban visual character within the campus. With more facilities at the site, a larger campus student residential community that includes housing, dining, and recreation, would be created. It would also create a more defined visual character and a stronger overall image representing the student residential community merging with the existing Residential Suites to the south of the site. As with the project, the implementation of design features into the new facilities and site design would be anticipated to result in the development of the site that on its own, would be visually high quality and attractive in a long-term. However, same as with the project, the change itself to an urban landscape could be considered by some to be a significant impact in the visual character of the site and the

surrounding area that cannot be mitigated

As with the project, this alternative would involve removal of the existing student facilities, including the Palmitas and Cedritos residence halls and their landscape features which are considered potentially eligible for listing on the California Register of Historical Resources. As with the project, removal of these facilities would result in a significant impact on historic resources that cannot be fully mitigated.

The construction of new facilities under this alternative would proceed over time in phases and each phase would generate short-term and intermittent air pollutant emissions from construction activities. As with project, the peak cumulative construction day emissions of ROG and NOx under this alternative could exceed the SCAQMD threshold, resulting in a significant impact.

Provision of more on-campus student housing under this alternative would further reduce commute trips to campus and vehicle miles traveled (VMTs). Under this alternative, the VMTs would be reduced by 22,042 miles in comparison with the project's VMT reduction of 3,970 miles per day from student commuting trips. With a greater reduction in VMTs, the magnitude of the beneficial impact of reducing vehicular emissions of air pollutants and GHG within the South Coast Air Basin would be significantly increased. With more students living on campus instead of commuting would also eliminate additional peak hour travel on the street and roadway network serving the campus. As with the project, the additional housing facilities on the site would be connected to the campus' utility grid that has the capacity to serve additional facilities. The fire and police protection services for the project site would also serve the additional student housing within the site.

Therefore, providing additional student housing would not increase the project's significant impacts or result in new significant impacts. However, providing additional on campus student housing would substantially increase the beneficial impacts of reducing student commute trips and the associated air pollutant and GHG emissions. Furthermore, this alternative would achieve to a much greater extent the primary project objectives of enhancing the provision of student housing on campus to help accommodate the strong student demand for on-campus housing, and enhancing the provision of student housing on campus since living on campus increases students' academic success and improves graduation rates.

However, since funding for additional student housing is not in place, this alternative may not be fiscally viable at this time and threfore, the Board of Trustees finds this alternative infeasible.

5.0 Findings With Respect to Mitigation of Significant Adverse Impacts, and Adoption of Mitigation Monitoring 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 within the responsibility and jurisdiction of the University has 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 in Section 3.1 and 3.2, above, and are set forth in the Mitigation Monitoring Program.

Section 21081.6 of the Public Resources Code 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 Mitigation Monitoring Program for the Student Housing Replacement project is hereby adopted by the Board of Trustees because it fulfills the CEQA mitigation monitoring requirements:

- The Mitigation Monitoring Program 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.

STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of the 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 outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (CEQA Guidelines 15093(a)). CEQA requires the agency to state, 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 15093(b)).

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 Mitigation Monitoring Program, when implemented, will avoid or substantially lessen many of the significant effects identified in the Final EIR for the California Polytechnic University Pomona Student Housing Replacement project. However, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are aesthetics, historic resources, and short-term and intermittent cumulative construction-related air quality. The Final EIR provides detailed information regarding these impacts.

The Board of Trustees finds that all feasible mitigation measures identified in the Final EIR within the purview of the University will be implemented with the project, and that the remaining significant unavoidable effects are outweighed and are 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:

1. Providing the student housing replacement facilities necessary to replace the existing aging student housing facilities which are located in a seismic fault zone.

2. Enhancing the provision of student housing on campus to help accommodate the strong student demand for on-campus housing

3. Enhancing the provision of student housing on campus that helps to increases students' academic success and improves graduation rates

4. Reducing commuter trips and vehicle miles traveled (VMTs)

5. Reducing vehicular air pollutant emissions and greenhouse gases (GHG)

Considering all factors, the Board of Trustees finds that there are specific economic, legal, social, technological and other considerations associated with the project that outweigh the project's significant unavoidable effects, and these adverse effects are therefore considered acceptable.