

CEQA FINDINGS IN CONNECTION WITH THE APPROVAL OF THE INTEGRATIVE GENOMICS BUILDING PROJECT, LAWRENCE BERKELEY NATIONAL LABORATORY

I. CONSIDERATION OF THE 2006 LRDP EIR AND INTEGRATIVE GENOMICS BUILDING PROJECT ENVIRONMENTAL ANALYSIS AND CHECKLIST

Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA) and the *State CEQA Guidelines*, Title 14, California Code of Regulations, Sections 15000 et seq. (CEQA Guidelines), the Board of Regents of the University of California (the University) has considered the Final Environmental Impact Report (Final EIR), State Clearinghouse Number 2000102046, which was certified by the University in July 2007 for the Lawrence Berkeley National Laboratory (LBNL or Lab) Long Range Development Plan (LRDP); the Supplementation of the LBNL 2006 LRDP EIR with respect to Traffic Impacts at One Intersection (hereinafter referred to as the “LRDP EIR Supplement”), which was included in the Seismic Life Safety, Modernization, and Replacement of General Purpose Buildings, Phase 2 Project EIR (State Clearinghouse Number 2008122030; hereinafter referred to as the “Seismic Phase 2 Project”), which was certified by the University in June 2010 in conjunction with the approval of Seismic Phase 2 Project; and the Integrative Genomics Building Project Environmental Analysis and Checklist dated February 2015, and the Integrative Genomics Building Project Response to Comments document dated April 2015 (hereinafter referred to as the “Environmental Analysis and Checklist”). The Regents finds that the information contained in 2006 LRDP Final EIR, the LRDP EIR Supplement, and the Environmental Analysis and Checklist reflects the independent judgment of the Regents.

The 2006 LRDP Final EIR, the LRDP EIR Supplement, and the Environmental Analysis and Checklist contain the environmental analysis and information necessary to support approval of the Integrative Genomics Building Project (the Project), as set forth in **Section III**, below.

II. FINDINGS

The following Findings are hereby adopted by the Regents as required by Public Resources Code Sections 21081, 21081.5, and 21081.6, and CEQA Guidelines Sections 15091, 15092, and 15168, in conjunction with the approval of the Project, which is set forth in **Section III**, below.

A. Environmental Review Process

In July 2007, the Regents certified the Final EIR for the 2006 LRDP in accordance with CEQA, the *State CEQA Guidelines*, and the University of California Procedures for Implementation of CEQA, and adopted the 2006 LRDP. Both the 2006 LRDP and the 2006 LRDP Final EIR analyzed the scope and nature of development proposed to meet the goals of LBNL through 2025. The 2006 LRDP anticipated the construction of approximately 980,000 gross square feet of new research and support space and the demolition of 320,000 gross square feet of space in existing facilities, for a total of approximately 660,000 gross square feet of net new occupiable space for the LBNL site. The 2006 LRDP Final EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the LBNL's development program under the 2006 LRDP.

In July 2010, a supplemental traffic analysis was conducted to update the cumulative traffic impacts of LBNL's development program under the 2006 LRDP in light of the revised level of service thresholds adopted by the City of Berkeley. That additional analysis, LRDP EIR Supplement, which was conducted in conjunction with and presented in the Seismic Phase 2 Project EIR, found significant and unavoidable cumulative impacts at four intersections as a result of LRDP projects, in combination with traffic generated by other reasonably foreseeable development in the area. It also identified an additional mitigation measure to mitigate, to the extent feasible, the significant project and cumulative traffic impacts associated with the LBNL's development program under the 2006 LRDP.

In addition to serving as the environmental document for the approval of the 2006 LRDP, the 2006 LRDP Final EIR was intended by the University to be the basis for compliance with CEQA for future discretionary actions to implement the 2006 LRDP. Under CEQA guidelines for using program EIRs with later activities under the program, if a proposed later activity involves no new or substantially more severe significant effects and no new mitigation measures would be required, a program EIR has adequately analyzed the later activity for CEQA purposes; i.e., the later activities are within the scope of the program EIR, and no further review under CEQA is required.

According to CEQA Section 21083 and *State CEQA Guidelines* Section 15168, subsequent activities within the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. Use of program EIRs to cover later activities is addressed in *State CEQA Guidelines* Section 15168(c):

- (c) *Use with Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.*

- (1) *If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.*
- (2) *If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.*
- (3) *An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.*
- (4) *Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.*
- (5) *A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.*

Section 15168(c)(2) states that if the lead agency finds that pursuant to *State CEQA Guidelines* Section 15162, no new effects would occur or no new mitigation measures would be required, then the lead agency can approve the activity as being within the scope of the project covered by the program EIR and no new environmental document is required. According to *State CEQA Guidelines* Section 15162, no additional environmental review shall be prepared for a project unless the public agency with the next discretionary approval determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

- (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
- (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The Regents has completed an evaluation of the Project pursuant to Section 15168(c)(2) of the *State CEQA Guidelines* to determine whether the Project is within the scope of the LBNL 2006 LRDP EIR and the LRDP EIR Supplement. Section 15168(c)(4) states that a lead agency should use a written checklist or similar device to document the subsequent activity and determine whether the environmental impacts of the subsequent activity were covered in the Program EIR. The Environmental Analysis and Checklist for the Integrative Genomics Building Project was prepared in compliance with *State CEQA Guidelines* Section 15168(c)(4). The Environmental Analysis and Checklist includes a detailed description of the Project and an evaluation of the environmental impacts from the implementation of the Project.

The Environmental Analysis and Checklist analyzes and summarizes the potential impacts of the Project in relation to the environmental analysis in the 2006 LRDP Final EIR updated by the LRDP EIR Supplement with regard to the following environmental topic areas: Aesthetics and Visual Quality; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Population and Housing; Public Services and Recreation; Transportation/Traffic; and Utilities, Energy, and Service Systems. It also identifies mitigation measures adopted as part of the 2006 LRDP Final EIR and the LRDP EIR Supplement that are “Standard Project Features” applicable to the Project; these are listed in Appendix A of the Environmental Analysis and Checklist and have been incorporated into and are a part of the Project. All such mitigation measures in the 2006 LRDP Final EIR and the LRDP EIR Supplement applicable to the Project are included in the Approvals and are made conditions of the Project approval. The Project approval also states that all best practices from the LRDP Final EIR applicable to the Project shall be implemented as part of the Project. The Project will not result in any new or substantially more severe significant impacts as compared to those identified in the 2006 LRDP Final EIR. No project revisions or specific mitigation measures were identified in the Environmental Analysis and Checklist that would be required for the Project.

The Regents has determined that the environmental impacts from the construction and operation of a research building on the project site were evaluated in the 2006 LRDP EIR and the LRDP EIR Supplement, and that under *State CEQA Guidelines* Section 15162 there would be no new impacts and no new mitigation measures are required. Therefore further evaluation and documentation under CEQA are not required. (*State CEQA Guidelines* Section 15168(c)(2)) The legal criteria for approving the Project on the basis of the 2006 LRDP Final EIR as updated by the LRDP EIR Supplement are met here. The Project is a subsequent activity within the scope of the program evaluated in the 2006 LRDP EIR and the LRDP EIR Supplement. None of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and *State CEQA Guidelines* Section 15162 exists in connection with the Project.

B. Relationship of the Project to the 2006 LRDP EIR

The Project is a subsequent activity under the 2006 LRDP because the Project is fully consistent with the 2006 LRDP and is within the scope of development envisioned under the 2006 LRDP. The 2006 LRDP projected that up to 980,000 gross square feet of new building space would be constructed, and 320,000 gross square feet of demolition of existing facilities would occur, over the course of the 20-year planning period of the 2006 LRDP, resulting in a net increase of 660,000 gross square feet of occupiable building space, and the 2006 LRDP EIR evaluated in detail the environmental effects from the construction of this amount of building space. A description of future development activities is presented on pages III-40 through -42 of the 2006 LRDP EIR, and Table III-6 lists the potential Lab buildings included in the Illustrative Development Scenario that provided the basis in the 2006 LRDP EIR for a conservative analysis of LRDP environmental impacts. The Illustrative Development Scenario included an eight-story, 215,000 gross square foot building (Building S-3) located on the project site. Since the adoption of the 2006 LRDP, a total of 62,561 gross square feet of net new building space (new building space minus the building space demolished) has been developed at LBNL. Since the Project would involve construction of 77,000 gross square feet, the Project combined with previously constructed net new space is well within the total amount of net new development projected under the 2006 LRDP.

The 2006 LRDP projected that, through 2025, the LBNL adjusted daily population could increase to approximately 5,000 persons, an increase of approximately 1,350 persons over the 2003 baseline. The Project, which would add approximately 333 employees and visitors to the LBNL site, would, in combination with other recently approved and currently proposed projects, increase LBNL's adjusted daily population by a total of 587 persons. Therefore, the Project is within the 2006 LRDP's population projections.

The project site is designated as Research and Academic under the 2006 LRDP. This land use designation provides for scientific research and associated support functions and constitutes the majority of the developed land at the LBNL hill site. The Project fits within that land use category and is thus consistent with the land use designation and the 2006 LRDP Land Use plan.

The 2006 LRDP also established the maximum heights for new buildings in certain areas of the LBNL site. The applicable maximum height for the project area is eight stories. As the Project will include only four stories, it complies with the height limits established by the 2006 LRDP.

The Project therefore falls within the scope of the program analyzed in the 2006 LRDP EIR and LRDP EIR Supplement and no further environmental documentation is required.

C. Impacts of the Project

As described in greater detail below and in the Environmental Analysis and Checklist, the Project, with the implementation of applicable 2006 LRDP mitigation measures that are Standard Project Features for the Project, will contribute to the impacts previously identified in the 2006 LRDP Final EIR and the LRDP EIR Supplement, but will not result in any new significant impacts or increase the severity of significant impacts previously identified in the 2006 LRDP Final EIR or the LRDP EIR Supplement. All significant impacts to which the Project would contribute are identified in the Environmental Analysis and Checklist, and were analyzed in the 2006 LRDP Final EIR and the LRDP EIR Supplement. The Project does not involve new information of substantial importance which would require mitigation measures or alternatives that are considerably different from those analyzed in the 2006 LRDP Final EIR and the LRDP EIR Supplement. No additional mitigation measures are feasible to substantially lessen any significant and unavoidable impacts previously identified in the 2006 LRDP Final EIR and the LRDP EIR Supplement.

All significant cumulative impacts to which the Project would contribute are discussed in the Environmental Analysis and Checklist. While the Project will contribute to cumulative impacts previously identified in the 2006 LRDP Final EIR and the LRDP EIR Supplement, it will not result in any new significant cumulative impacts, increase the severity of significant cumulative impacts previously identified in the 2006 LRDP Final EIR and the LRDP EIR Supplement, or involve new information of substantial importance that would require mitigation measures or alternatives that are considerably different from those analyzed in the 2006 LRDP Final EIR and the LRDP EIR Supplement. No additional mitigation measures are feasible to substantially lessen any significant and unavoidable cumulative impacts previously identified.

Impacts of the Project are discussed separately below by environmental topic.

1. Aesthetics

Based on the analysis in the Environmental Analysis and Checklist, pages 29 through 32, incorporated herein by reference, the University finds that with implementation of the Project, aesthetic impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts on aesthetic resources would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures VIS-4a through VIS-4c (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

2. Agriculture and Forestry Resources

Based on the analysis in the Environmental Analysis and Checklist, page 34, incorporated herein by reference, the University finds that with implementation of the Project, agricultural resources impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University also finds that the Project would have no impact on agriculture and forestry resources and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

3. Air Quality

Based on the analysis in the Environmental Analysis and Checklist, pages 37 through 46, incorporated herein by reference, the University finds that with implementation of the Project, air quality impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts on air quality would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures AQ-1a, AQ-1b, and AQ-4 (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

4. Biological Resources

Based on the analysis in the Environmental Analysis and Checklist, pages 49 through 51, incorporated herein by reference, the University finds that with implementation of the Project, biological resources

impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts on biological resources would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures BIO-3 and BIO-4 (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

5. Cultural Resources

Based on the analysis in the Environmental Analysis and Checklist, pages 53 through 55, incorporated herein by reference, the University finds that with implementation of the Project, cultural resources impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts on cultural resources would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures CUL-3 and CUL-4 (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

6. Geology and Soils

Based on the analysis in the Environmental Analysis and Checklist, pages 58 through 61, incorporated herein by reference, the University finds that with implementation of the Project, impacts on geology and soils associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts on geology and soils would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures GEO-2, GEO-3a, and GEO-3b (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

7. Greenhouse Gas Emissions

Based on the analysis in the Environmental Analysis and Checklist, pages 65 through 69, incorporated herein by reference, the University finds that with implementation of the Project, impacts related to greenhouse gas emissions associated with implementation of the 2006 LRDP would remain as identified

in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to greenhouse gas emissions would be less than significant and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

8. Hazards and Hazardous Materials

Based on the analysis in the Environmental Analysis and Checklist, pages 72 through 75, incorporated herein by reference, the University finds that with implementation of the Project, hazards and hazardous materials impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to hazards and hazardous materials would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures HAZ-3a through HAZ-3f (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

9. Hydrology and Water Quality

Based on the analysis in the Environmental Analysis and Checklist, pages 78 through 81, incorporated herein by reference, the University finds that with implementation of the Project, hydrology and water quality impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to hydrology and water quality would be less than significant and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

10. Land Use and Planning

Based on the analysis in the Environmental Analysis and Checklist, pages 83 and 87, incorporated herein by reference, the University finds that with implementation of the Project, land use and planning impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the

Project's impacts related to land use and planning would be less than significant and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

11. Mineral Resources

Based on the analysis in the Environmental Analysis and Checklist, pages 88 and 89, incorporated herein by reference, the University finds that with implementation of the Project, mineral resource impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University also finds that the Project would have no impacts on mineral resources and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

12. Noise

Based on the analysis in the Environmental Analysis and Checklist, pages 92 through 95, incorporated herein by reference, the University finds that with implementation of the Project, noise impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to noise would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures NOISE-1a, NOISE-1b, and NOISE-4 (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

13. Population and Housing

Based on the analysis in the Environmental Analysis and Checklist, pages 98 and 99, incorporated herein by reference, the University finds that with the implementation of the Project, population and housing impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to population and housing would be less than significant and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

14. Public Services

Based on the analysis in the Environmental Analysis and Checklist, pages 102 through 105, incorporated herein by reference, the University finds that with the implementation of the Project, public services impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to public services would be less than significant and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

15. Recreation

Based on the analysis in the Environmental Analysis and Checklist, pages 106 and 107, incorporated herein by reference, the University finds that with the implementation of the Project, recreation impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to recreation would be less than significant and that no mitigation measures or alternatives are required to reduce the Project's impacts to a less than significant level.

16. Transportation/Traffic

Based on the analysis in the Environmental Analysis and Checklist, pages 111 through 120, incorporated herein by reference, the University finds that with implementation of the Project, transportation/traffic impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR and the LRDP EIR Supplement, no new mitigation measures are required for the Project, and none of the circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the project's impacts related to traffic and transportation would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measures TRANS-1a through TRANS-1e, TRANS-3, and TRANS-8 (which are incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

17. Utilities, Energy, and Service Systems

Based on the analysis in the Environmental Analysis and Checklist, pages 123 through 126, incorporated herein by reference, the University finds that with implementation of the Project, utilities, energy, and service systems impacts associated with implementation of the 2006 LRDP would remain as identified in the 2006 LRDP Final EIR, no new mitigation measures are required for the Project, and none of the

circumstances that would require preparation of a new environmental document under CEQA exists. The University finds that the Project's impacts related to utilities, energy, and service systems would be less than significant and that no mitigation measures or alternatives beyond LRDP Mitigation Measure UTILS-4 (which is incorporated into and made part of the Project) are required to reduce the Project's impacts to a less than significant level.

18. Cumulative Impacts

Based on the analysis of cumulative impacts in the Environmental Analysis and Checklist, as addressed separately by topic (pages 31-32, 34, 44-45, 50, 55, 61, 67, 74-75, 81, 87, 89, 94, 99, 104-105, 107, 116- 119, and 126) and incorporated herein by reference, the University finds that cumulative impacts associated with implementation of the 2006 LRDP that are pertinent to the Project would remain as identified in the 2006 LRDP Final EIR and updated by the LRDP EIR Supplement, no new mitigation measures are required to mitigate the Project's cumulative impacts, and none of the circumstances that would require preparation of a new environmental document under CEQA exists.

The University finds that with the exception of two impacts, the Project's contributions to all other cumulative impacts would not be cumulatively considerable. The Project would make a cumulatively considerable contribution to the significant and unavoidable cumulative impact on human health from emissions of toxic air contaminants as analyzed in the 2006 LRDP EIR based on the then applicable threshold of significance. Although the Project would implement LRDP Mitigation Measure AQ-1b and TRANS-1c to minimize its contribution to the cumulative human health impact, the impact would still be significant and unavoidable when compared against the standard of significance utilized in the 2006 LRDP EIR. This impact is adequately analyzed in the 2006 LRDP EIR and was fully addressed in the Findings and Statement of Overriding Considerations adopted by the Regents in connection with its approval of the 2006 LRDP. As noted in the Environmental Analysis and Checklist, based on the current threshold of significance the LRDP's cumulative toxic air contaminant impact is less than significant, as is the cumulative impact of the Project.

The Project would also make a cumulatively considerable contribution to the significant and unavoidable cumulative traffic impact on four city intersections under 2025 conditions as analyzed in the LRDP EIR Supplement. Although the Project would implement LRDP Mitigation Measure TRANS-8 to minimize its contribution to the cumulative traffic impact, the impact would still be significant and unavoidable. This impact is adequately analyzed in the LRDP EIR Supplement and was fully addressed in the Findings and Statement of Overriding Considerations adopted for the LRDP EIR Supplement in conjunction with the approval of Seismic Phase 2 Project. As noted in the Environmental Analysis and Checklist, based on an

updated cumulative analysis for 2035 conditions, the Project would result in a traffic impact on four city intersections that would not be cumulatively considerable.

D. Additional Findings

1. Adequacy of Prior Environmental Reviews

In accordance with applicable provisions of CEQA and the *State CEQA Guidelines*, the Regents has independently examined the approvals set forth in **Section III** in light of the 2006 LRDP Final EIR and the 2006 LRDP Findings, and the LRDP EIR Supplement and its Findings, to determine whether or not an additional environmental document should be prepared. Based on this review, the Regents finds as follows:

1. The proposed Integrative Genomics Building Project is consistent with and within the scope of the LBNL 2006 LRDP analyzed in the Final EIR and the LRDP EIR Supplement.
2. The potential environmental impacts of the Integrative Genomics Building Project, including the Project's contribution to potentially significant impacts that will be less than significant with application of LRDP EIR mitigation measures that were adopted as part of the Regent's approval of the LRDP and are Standard Project Features for the Project, and the Project's contribution to significant and unavoidable impacts of the 2006 LRDP, were fully considered in the Final EIR and the LRDP EIR Supplement.
3. All relevant regional, area-wide, and local cumulative impacts are adequately addressed in the Final EIR and the LRDP EIR Supplement.
4. The Final EIR sufficiently analyzed a range of reasonable alternatives to the 2006 LRDP and there have been no significant changes in circumstances and no new information of substantial importance pertaining to those alternatives that would require any major revisions to the Final EIR.
5. No new information of substantial importance, which was not known and could not have been known at the time that the 2006 LRDP Final EIR and the LRDP EIR Supplement were certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the 2006 LRDP Final EIR and the LRDP EIR Supplement, that mitigation measures or alternatives found infeasible in the 2006 LRDP Final EIR and the LRDP EIR Supplement would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the 2006 LRDP Final EIR and the LRDP EIR Supplement would substantially reduce one or more significant environmental impacts found in the 2006 LRDP Final EIR and the LRDP EIR Supplement.

In accordance with Section 15168(c)(2) of the *State CEQA Guidelines*, the Regents hereby finds that none of the circumstances described in Section 15162(a) of the *State CEQA Guidelines* is present, and no further environmental review or documentation is required for the Project.

2. Findings on Environmental Impacts of Integrative Genomics Building Project

These Findings rely upon and incorporate by reference the 2006 LRDP EIR Findings and the LRDP EIR Supplement Findings as the University's findings with respect to (1) the potential environmental impacts of the 2006 LRDP and the Integrative Genomics Building Project; (2) the measures adopted to mitigate significant environmental impacts; (3) the feasibility of mitigation measures and alternatives; (4) the potentially significant impacts that will be mitigated to a less than significant level by the adopted mitigation measures; and (5) identification of the significant environmental impacts that will not be avoided or reduced to a less than significant level by the adopted mitigation measures.

The particular environmental impacts associated with the Integrative Genomics Building Project are summarized in the findings set forth in **Section II.C**, above. As set forth therein, environmental impacts of the Integrative Genomics Building Project will be less than significant with mitigation, except that two cumulative impacts (identified above) relating to toxic air contaminants and traffic will not be reduced to a less than significant level even after adoption of all feasible mitigation measures and will remain significant if compared against the standard of significance for toxic air contaminant impacts utilized in the 2006 LRDP EIR and, for traffic, under 2025 conditions as analyzed in the LRDP EIR Supplement. If the current BAAQMD threshold is applied, the toxic air contaminants impact will be less than significant, and if updated traffic volumes and thresholds for traffic impacts are applied, the Project's cumulative impact will be less than significant under year 2035 conditions. In accordance with the provisions of CEQA and the CEQA Guidelines, in deciding whether to approve the 2006 LRDP, The Regents has balanced the benefits of the 2006 LRDP against the unavoidable adverse environmental effects that would result, and determined that the benefits of implementing the 2006 LRDP outweigh those significant and unavoidable adverse environmental effects. The Regents' determination is set forth in the Statement of Overriding Considerations contained in the 2006 LRDP Findings and Statement of Overriding Considerations contained in the LRDP EIR Supplement Findings, and as set forth herein.

Additionally, the Regents finds that the Integrative Genomics Building Project is an essential step in the implementation of the 2006 LRDP because the Project's goal is to close the capability gap that exists because two important LBNL research programs, JGI and KBase, that are focused on biosciences are currently located geographically dispersed in off-campus leased spaces. This reduces research synergy and limits operational efficiency, particularly genomics-based biosciences research. This project will close the capability gap by collocating JGI and KBase with researchers, state-of-the-art computational tools, light sources and other specialized facilities at LBNL. Accordingly, for these reasons, and for the reasons set forth in the Findings and Statement of Overriding Considerations adopted in connection with approval of the 2006 LRDP and the Findings and Statement of Overriding Considerations adopted in

connection with the LRDP EIR Supplement, the Regents finds and determines that the benefits of implementing the Integrative Genomics Building Project outweigh the significant and unavoidable adverse environmental effects that will result.

3. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Environmental Analysis and Checklist prepared for the Project, the 2006 LRDP EIR, the 2006 LRDP Findings, and the LRDP EIR Supplement and its Findings previously certified and/or adopted by the University. Without limitation, this incorporation is intended to elaborate on the scope and nature of the Project, potential environmental impacts that could result from the Project, and the basis for determining the significance of the Project's impacts.

4. Mitigation Monitoring

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or makes a condition of project approval, including mitigation measures intended to eliminate or reduce potentially significant impacts of the project, in order to ensure compliance during project implementation. No new mitigation measures are required as part of the Project, which incorporates relevant and previously adopted 2006 LRDP Final EIR mitigation measures that are Standard Project Features for the Project and will be monitored pursuant to the existing 2006 LRDP Final EIR mitigation monitoring program previously adopted by the University in connection with its approvals of the 2006 LRDP.

5. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the Regents bases its findings and decision contained herein. The custodian for these documents and materials is the LBNL Environmental Planning Group office, located at One Cyclotron Road, Mail Stop 76-225, Berkeley, California 94720.

E. Summary

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

1. The Project will not result in environmental effects that were not adequately examined in the 2006 LRDP Final EIR updated by the LRDP EIR Supplement. The Project will incrementally contribute to,

but will not increase the severity of, significant environmental impacts previously identified in the 2006 LRDP Final EIR and the LRDP EIR Supplement.

2. All 2006 LRDP Final EIR and LRDP EIR Supplement mitigation measures applicable to the Project, as identified in the Environmental Analysis and Checklist, and LRDP EIR Best Practices are made a condition of the Project's approval.
3. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through 2006 LRDP Final EIR and LRDP EIR Supplement mitigation measures adopted in connection with the University's approval of the 2006 LRDP Final EIR and the LRDP EIR Supplement and incorporated as part of the Project.
4. All remaining significant effects on the environment caused by implementation of the Project, found to be unavoidable, remain acceptable due to the reasons set forth in the 2006 LRDP Findings adopted by the Regents in connection with its approval of the 2006 LRDP Final EIR, and in the Findings adopted by the Regents in connection with the approval of the LRDP EIR Supplement, as referenced and reaffirmed herein.

III. APPROVALS

The Regents hereby takes the following actions:

- A. The Regents has reviewed and considered the LBNL 2006 LRDP Final EIR, the LRDP EIR Supplement, and the Environmental Analysis and Checklist for the Project as described in **Section I**, above.
- B. The Regents reaffirms the Findings and Statement of Overriding Considerations adopted for the 2006 LRDP Final EIR in July 2007 and the Findings and Statement of Overriding Considerations adopted for the LRDP EIR Supplement in conjunction with the Seismic Life Safety, Modernization, and Replacement of General Purpose Buildings, Phase 2 Project EIR in June 2010.
- C. The Regents hereby approves and makes a condition of the Project all 2006 LRDP Final EIR and LRDP EIR Supplement mitigation measures identified in the Environmental Analysis and Checklist (as "Standard Project Features") and applicable to the Project. All applicable LRDP EIR best practices shall also be implemented as part of the Project.
- D. The Regents hereby adopts the Findings in their entirety as set forth in **Section II**, above.
- E. Having independently reviewed and considered the 2006 LRDP Final EIR, the LRDP EIR Supplement, and the Environmental Analysis and Checklist, conditioned the Project as described above, and adopted the Findings, the Regents hereby approves the LBNL Integrative Genomics Building Project.