

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN
CONNECTION WITH THE APPROVAL OF THE BIOLOGICAL &
ENVIRONMENTAL PROGRAM INTEGRATION CENTER PROJECT,
UNIVERSITY OF CALIFORNIA LAWRENCE BERKELEY NATIONAL
LABORATORY**

I. CONSIDERATION OF THE 2006 LONG RANGE DEVELOPMENT PLAN EIR AND THE BIOLOGICAL & ENVIRONMENTAL PROGRAM INTEGRATION CENTER PROJECT ENVIRONMENTAL ANALYSIS

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 University of California Board of Regents (the Regents) has considered the Final Environmental Impact Report (Final EIR) for the Lawrence Berkeley National Laboratory (LBNL) 2006 Long Range Development Plan (LRDP) (SCH# 2000102046, 2007); the Supplementation of the 2006 LRDP EIR with respect to Traffic Impacts at One Intersection (SCH# 2008122030, 2010); the Supplementation of the LBNL 2006 LRDP EIR with respect to Greenhouse Gas Emissions and Energy Impacts (SCH# 2016062007, 2017); and the Biological & Environmental Program Integration Center Project (BioEPIC Project or Project) Environmental Analysis and Checklist dated January 2020 (hereinafter referred to as the “Environmental Analysis and Checklist”).

These documents contain the information necessary to support approval of the BioEPIC Project, as set forth below, and reflect the independent judgment of the Regents.

II. BACKGROUND: ENVIRONMENTAL REVIEW PROCESS

In July 2007, the Regents certified the Final EIR for the LBNL 2006 LRDP and adopted the 2006 LRDP. The 2006 LRDP and the Final EIR for the 2006 LRDP identified and analyzed the scope and nature of development at the Berkeley Lab, including demolition of existing facilities and the construction of new facilities, proposed to meet LBNL goals through 2025. The 2006 LRDP Final EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with LBNL’s 2006 LRDP development program. In addition to serving as the 2006 LRDP’s environmental approval document, the Final EIR for the 2006 LRDP was intended by the University to be the basis for CEQA compliance for future discretionary actions to implement the 2006 LRDP per CEQA Section 21083 and CEQA Guidelines Sections 15168 and 15162.

In July 2010, the Regents certified the Seismic Phase 2 Project EIR, which included a supplemental traffic analysis to the 2006 LRDP Final EIR to address the City of Berkeley’s revised level-of-service thresholds. In February 2017, the Regents

certified the Building 59 Upgrade & Installation and Operation of NERSC-9 Project EIR, which included a supplemental analysis to the 2006 LRDP Final EIR to address changes in CEQA requirements pertaining to greenhouse gas emissions and energy impacts. These two supplements, combined with the 2006 LRDP Final EIR, are hereafter referred to as the LRDP Final EIR.

Because the Project would be undertaken on UC Regents-owned land and would require UC Regents design approval, the University must evaluate the environmental impacts of the BioEPIC Project pursuant to CEQA. CEQA Section 15168(c)(2) provides that if, pursuant to CEQA Section 15162, no new impacts would occur and no new mitigation measures would be required, then a project may be considered within the scope of a governing program Environmental Impact Report (EIR) and no new environmental document would be required. Berkeley Lab's current governing programmatic CEQA document is the LRDP Final EIR.

The University has completed an evaluation of the BioEPIC Project in accordance with State CEQA Guidelines Section 15168(c)(2) to determine whether the BioEPIC Project is within the scope of the LRDP Final EIR. 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 BioEPIC 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 also identifies LRDP Final EIR mitigation measures adopted as part of the 2006 LRDP, as supplemented, that are "Standard Project Features" applicable to the Project. These have been incorporated into and are a part of the Project. All applicable LRDP Final EIR mitigation measures are included in the Approvals and made conditions of the Project approval.

III. FINDINGS REGARDING PROJECT ENVIRONMENTAL REVIEW

Having received, reviewed, and considered the LRDP Final EIR, LRDP Final EIR CEQA Findings, and other information in the administrative record, the Regents hereby adopts the following Findings for the Project in compliance with CEQA, the CEQA Guidelines, and the University's procedures for implementing CEQA ("University of California Procedures for Implementation of CEQA"). The Regents adopts these Findings in conjunction with its approval of the design of the Project, as set forth below.

A. Project Description and Relationship to the 2006 LRDP

The University of California, as the management and operating contractor of LBNL, proposes to construct the BioEPIC Project, an approximately 73,000 gross-

square-foot (gsf), four-story multi-disciplinary research and office building that would accommodate complementary U.S. Department of Energy (DOE) research programs in the Biosciences Area and Earth and Environmental Science Area. Additionally, a number of major Science Focus Areas (SFAs) and other significant projects and programs would be co-located in BioEPIC for collaboration and operational efficiencies. The programs expected to be housed in the proposed BioEPIC building are currently dispersed across three buildings (Buildings 64, 70, 70A, and 84) on the Berkeley Lab site, two of which (Buildings 64 and 70) are rated seismically deficient, as well as in leased space located offsite at 717 Potter Street in Berkeley, California.

The BioEPIC Project is a subsequent activity under the 2006 LRDP that would construct a new four-story, 73,000 gross square foot (gsf) facility with laboratory, office, and interaction space. Of the building's estimated 44,300 assignable square feet, approximately 40 percent would be used for office-type functions and about 60 percent for laboratory space. The building would be constructed in the southern portion of the one-acre project site. The first floor (Level 1) would contain specialized laboratories, including high bay space, to take advantage of first-floor access to exterior services and laydown space and to provide slab-on grade vibration stability. The upper three floors (Levels 2-4) would contain more conventional laboratory space and office environments. A portion of the roof might be used for greenhouse space; that option is considered as part of the project and included in the analysis of environmental impacts. In addition, Wilson Tract Parcel 1B, which is University-owned, DOE-leased land inclusive of the project area, would be divided into two parcels: Parcels 1B and 1C. Parcel 1C would be occupied by the BioEPIC building and the Parcel 1C ground lease term would be extended to 50 years.

The project site is designated for Research and Academic use on the 2006 LRDP land use diagram and was identified as a potential future location of a research and office building. The BioEPIC Project fits within that land use category and is consistent with the 2006 LRDP land use designation for this site. Therefore, the BioEPIC Project would be consistent with 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 project site is divided into two adjacent height zones: an area that is designated for a four-story maximum height and one designated for an eight-story maximum height. As the BioEPIC building would include only four stories, it would be within the height limits established by the 2006 LRDP.

The BioEPIC Project would add 73,000 gsf to the Berkeley Lab site. This building space, when added to the building space added by other LBNL projects approved and/or constructed under the 2006 LRDP, would not exceed the 2006 LRDP's net new research and support building space projections. Therefore, the BioEPIC Project is within the 2006 LRDP's building space projections.

The Project would add approximately 125 employees to the LBNL hill site. This would not, by itself or in combination with other projects constructed, approved, or planned since 2006, increase LBNL's adjusted daily population in excess of 2006 LRDP

projections. Therefore, the BioEPIC Project is within the 2006 LRDP's population projections.

For the reasons set forth above, the BioEPIC Project falls within the scope of the development program analyzed in the LRDP Final EIR, and no further environmental documentation is required.

B. Project Impacts

As described below and in the Environmental Analysis and Checklist, and with the implementation of applicable 2006 LRDP mitigation measures that are Standard Project Features for the Project, the BioEPIC Project would result in and contribute to impacts (including cumulative impacts) previously identified in the 2006 LRDP Final EIR, but would not result in any new significant impacts or substantially increase the severity of significant impacts previously identified and analyzed in the 2006 LRDP Final EIR. Further, the BioEPIC 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 LRDP Final EIR. No additional mitigation measures are feasible to substantially lessen any significant and unavoidable impacts previously identified in the LRDP Final EIR.

Based on the Environmental Analysis and Checklist, the Regents finds that the BioEPIC Project's impacts on the following environmental resources would be less than significant consistent with the LRDP Final EIR and would not require mitigation measures, and that none of the circumstances that would require preparation of a new environmental document under CEQA Guidelines 15162 exist: **Agricultural and Forestry Resources, Energy Resources, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreational Resources, and Wildfire.**

Based on the Environmental Analysis and Checklist, the Regents finds that the BioEPIC Project's impacts on the following environmental resources would be less than significant and that no mitigation measures beyond those identified in the LRDP Final EIR, which are incorporated into and a part of the BioEPIC Project and listed below, are required. Furthermore, none of the circumstances that would require preparation of a new environmental document under CEQA exists. All mitigation measures will continue to be monitored pursuant to the existing LRDP Final EIR mitigation monitoring and reporting program previously adopted by the University in connection with its approval of the 2006 LRDP:

- **Aesthetics**, with inclusion of 2006 LRDP Mitigation Measures VIS-4a through 4c
- **Air Quality**, with inclusion of 2006 LRDP Mitigation Measures AQ-1a, AQ-1b, and AQ-4b
- **Biological Resources**, with inclusion of 2006 LRDP Mitigation Measures BIO-3 and BIO-4

- **Cultural and Tribal Cultural Resources**, with inclusion of 2006 LRDP Mitigation Measures CUL-3 and CUL-4
- **Geology and Soils**, with inclusion of 2006 LRDP Mitigation Measures GEO-2, GEO-3a, and GEO-3b
- **Greenhouse Gas Emissions**, with inclusion of 2006 LRDP Mitigation Measure GHG-1
- **Hazards and Hazardous Materials**, with inclusion of 2006 LRDP Mitigation Measures HAZ-3a through HAZ-3f
- **Noise**, with inclusion of 2006 LRDP Mitigation Measures NOISE-1a and NOISE-1b
- **Transportation**, with inclusion of 2006 LRDP Mitigation Measures TRANS-1a through TRANS-1e, TRANS-3, and TRANS-8
- **Utilities and Service Systems**, with inclusion of 2006 LRDP Mitigation Measure UTILS-4

Based on the LRDP Final EIR and the Environmental Analysis and Checklist, the Regents finds that cumulative impacts associated with implementation of the 2006 LRDP that are pertinent to the BioEPIC Project would remain as identified in the LRDP Final EIR, no new mitigation measures are required to mitigate the BioEPIC Project's cumulative impacts, and none of the circumstances that would require preparation of a new environmental document under CEQA exists.

The Regents finds that with the exception of two impacts, the BioEPIC Project's contributions to all other cumulative impacts would not be cumulatively considerable. The BioEPIC 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 BioEPIC Project would implement LRDP Mitigation Measures 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 BioEPIC Project.

The BioEPIC 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 2010 Supplement. Although the BioEPIC 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 2010 Supplement and was fully addressed in the Findings and Statement of Overriding Considerations adopted for the LRDP EIR 2010 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 2040 conditions, the BioEPIC Project would result in a traffic impact on four city intersections that would not be cumulatively considerable.

IV. ADDITIONAL FINDINGS

A. CEQA Guidelines Sections 15162 and 15168(c)(2)

The Environmental Analysis and Checklist concludes that none of the conditions or circumstances that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the design of the Project. No substantial changes have been proposed to the Project described in the Final EIR that require major revisions to the LRDP Final EIR. No new significant environmental effects or substantial increase in the severity of previously identified significant environmental effects would occur.

The Environmental Analysis and Checklist also indicates that there have not been any substantial changes with respect to the circumstances under which development of the LBNL hill site, including the Project, would be undertaken that would require major revisions to the LRDP Final EIR. The Environmental Analysis and Checklist concludes that no substantial changes with respect to circumstances under which the Project is undertaken have occurred that have not already been accounted for.

The Environmental Analysis and Checklist also concludes that no new information of substantial importance, which was not known and could not have been known at the time that the LRDP Final EIR was certified, shows that the Project would cause or substantially worsen significant environmental impacts discussed in the LRDP Final EIR, that mitigation measures or alternatives found infeasible in the LRDP Final EIR would in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the LRDP Final EIR would substantially reduce one or more significant environmental effects found in the LRDP Final EIR.

For the reasons described above, the Regents hereby finds that preparation of the Environmental Analysis and Checklist is appropriate under CEQA.

B. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Project Environmental Analysis and Checklist, the LRDP Final EIR (including the 2010 and 2017 Supplements), and the Findings and Statements of Overriding Consideration previously certified and/or adopted by the University.

C. 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 LRDP Final EIR mitigation measures that are Standard Project Features for the Project and will be monitored pursuant to the existing LRDP Final EIR mitigation monitoring program previously adopted by the University in connection with its approvals of the 2006 LRDP.

D. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the Regents base their 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.

V. SUMMARY

In accordance with applicable provisions of CEQA and the State CEQA Guidelines, and in addition to the findings above, the Regents finds as follows:

1. The proposed BioEPIC Project is consistent with and within the scope of the LBNL 2006 LRDP analyzed in the LRDP Final EIR.
2. The potential environmental impacts of the BioEPIC Project, including cumulative impacts, were fully considered in the LRDP Final EIR.
3. All LRDP Final EIR mitigation measures applicable to the Project (i.e., all Standard Project Features of the Project), as identified in the Environmental Analysis and Checklist, and LRDP EIR Best Practices are made a condition of the Project's approval.
4. The Project will not result in environmental effects that were not adequately examined in the LRDP Final EIR. The Project will incrementally contribute to, but will not substantially increase the severity of, significant environmental impacts previously identified in the LRDP Final EIR.
5. All potentially significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through LRDP Final EIR mitigation measures adopted in connection with the University's approval of the 2006 LRDP and incorporated as part of the Project.
6. All remaining significant and unavoidable environmental effects of the Project continue to be 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 2010 LRDP EIR Supplement, as referenced and reaffirmed herein.
7. 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 BioEPIC Project.

VI. APPROVALS

The Regents hereby takes the following actions:

1. The Regents has reviewed and considered the LRDP Final EIR and the Environmental Analysis and Checklist for the BioEPIC Project as described in Section I, above.
2. The Regents reaffirms the Findings and Statements of Overriding Considerations adopted for the 2006 LRDP Final EIR; 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; and the Findings and Statement of Overriding Consideration adopted for the LRDP EIR Supplement in conjunction with the NERSC-9 Project EIR.
3. The Regents hereby approves and makes a condition of the BioEPIC Project all LRDP Final EIR mitigation measures applicable to the BioEPIC Project. All applicable LRDP Final EIR best practices shall also be implemented as part of the BioEPIC Project.
4. The Regents hereby adopts the Findings in their entirety as set forth in Sections III and IV, above.
5. Having independently reviewed and considered the LRDP Final EIR and the Environmental Analysis and Checklist, conditioned the BioEPIC Project as described above, and adopted the Findings, the Regents hereby approves the Design of the BioEPIC Project.