CEQA Findings of Fact and Statement of Overriding Considerations for the

The Hub, Sacramento State Research Park Project

Prepared for:

California State University, Sacramento

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1 FINDINGS OF FACT

1.1 INTRODUCTION

1.1.1 Purpose

This statement of Findings of Fact (Findings) and Statement of Overriding Considerations addresses the environmental effects associated with The Hub, Sacramento State Research Park Project (The Hub) located in the City of Sacramento, south of the California State University, Sacramento (Sacramento State or University) campus. These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et seq (CEQA Guidelines). 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.

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 CSU Board of Trustees adopts these Findings as part of its certification of the Final EIR for The Hub. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the CSU Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project. As required by CEQA, the CSU Board of Trustees, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The CSU Board of Trustees finds that the MMRP, 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.

1.1.2 Organization and Format of Findings

Chapter 1, Section 1.1, Introduction, contains a summary description of The Hub and background facts relative to the environmental review process.

Section 1.2 discusses the CEQA findings of independent judgment. Subsection 1.2.1 describes the environmental effects determined not to be significant during the Notice of Preparation (NOP) scoping process, do not require mitigation measures, and were therefore not discussed in detail in the EIR. Section 1.2.2 identifies the project's potential environmental effects that were determined not to be significant and, therefore, do not require mitigation measures. Subsection 1.2.3 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. Subsection 1.2.4 of these Findings identifies the significant impacts of the project that cannot be mitigated to a less-than-significant level, although all feasible mitigation measures have been identified and incorporated into the project.

Section 1.3 identifies the feasibility of the project Alternatives that were studied in the EIR.

Section 1.4 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the Mitigation, Monitoring, and Reporting Program (MMRP).

Section 1.5 describes the certification of the Final EIR.

Chapter 2 contains the Statement of Overriding Considerations providing the CSU Board of Trustees' views on the balance between the project's significant environmental effects and the merits and objectives of the project.

1.1.3 Summary of Project Description

Sacramento State purchased the 25-acre project site located at 3001 Ramona Avenue, Sacramento (also known as the Ramona property) from the State of California in 2005. The property was formerly used by the California Youth Authority as a correctional facility. The University originally intended to build student and faculty housing on the project site in the early 2000s. That plan was permanently put on hold in 2010 following the 2008-09 recession. The project site was most recently used for remote parking until the University's Parking Structure 5 was completed and opened in 2018. The project site is currently vacant and all former California Youth Authority buildings and structures have been removed.

Although the CSU, as a State agency, is sovereign and therefore not subject to local regulations, the project site is located within the City of Sacramento's 240-acre Sacramento Center for Innovation (SCI) Specific Plan area, which is envisioned as a hub for innovative business and clean technology industries. Sacramento's 2035 General Plan identifies the general area as an employment growth and economic development center (City of Sacramento 2017). The project site is also identified as an Employment Center within the Fruitridge-Broadway Community Plan of the City's 2035 General Plan (City of Sacramento 2015). The City of Sacramento and University share a vision to create a major research, education, and employment center with nearby and complementary office, research and development, and other employment uses.

The Hub is a public-private partnership to create a research and innovation park focused on technology, forensic science, and academics that will incubate new mobility, promote scientific discoveries, spur economic growth, support education and new jobs for the local community, and become the anchor for the broader innovation district envisioned in the City of Sacramento SCI Specific Plan. The project is intended to be a showcase facility for the University and a model for integrating higher education, research, and industry in California and beyond. For this effort, the University is partnering with:

- California Mobility Center (CMC), which provides future mobility innovators and industry incumbents with access to programs and resources that accelerate the pace of commercialization in California and worldwide, would develop offices, event space, a prototyping factory, and a mobility test track; and
- California Department of Justice (CA DOJ), which would consolidate a variety State-wide programs related to research, science, law enforcement, and training on the site, with a focus on creating the nations' leading criminalists institute.

The Master Plan, as proposed, would provide a unifying framework for The Hub that optimizes uses/users, articulates quality, establishes an iconic image, and creates a sense of place that is consistent with the Sacramento State main campus. The Hub is envisioned to foster the development of innovative technologies, products, and processes while also supporting University and regional academic, research, and economic development goals. The Master Plan for The Hub includes the following elements, which would be developed in two phases (hereafter referred to as Phases I and II):

- CMC – Approximately 166,000 gross square feet (GSF) of development for a testing and manufacturing facility for mobility technologies and a showcase building;
- CA DOJ facility – An approximately 250,000-GSF, 5-story facility that would provide administrative/office and forensic laboratory space; and
- Up to 436,000 GSF of mixed-use development, which would allow for an expansion of administrative/support space for Sacramento State, CA DOJ, and/or future tenants.

PHASE I

Phase I would incorporate the major elements of the space program requirements for both CMC and CA DOJ and would establish the infrastructure for both Phase I and the future development of Phase II. For CMC, this phase would include development of an approximately 118,000 gross square foot (GSF) testing and manufacturing facility, an approximately 32,400 GSF showcase building, and an approximately 3-acre test track. For CA DOJ, this phase would include an approximately 250,000 GSF building providing offices, forensic laboratories, and classrooms, supporting administrative functions, enforcement, and training programs. Phase I would include areas for visitor parking, fleet and staff parking, open spaces, and the backbone circulation and utility infrastructure. Both CMC and CA DOJ would provide opportunities for integration with University instruction: classes, hands-on learning, internships, etc.

PHASE II

Phase II would intensify use of the project site by replacing the Phase I surface parking in the eastern portion of the site with two mixed-use buildings. As currently envisioned, the Phase II buildings would provide academic,

administrative, and/or research office space with ground-level retail and parking, as well as additional space for CMC expansion, adjacent to the testing and manufacturing facility. Phase II includes additional buildings, open spaces, transportation linkages, infrastructure, and renewable energy production. This phase represents the full buildout of The Hub, as envisioned under this Master Plan.

Under Phase II, the CMC testing and manufacturing facility would be expanded to the west by approximately 15,600 GSF. The northern mixed-use building is anticipated to include retail, parking, and office/classroom building sized at approximately 384,000 GSF, with a maximum height of 75 feet. The southern building is envisioned to be an approximately 52,000 GSF two-story building, either an extension of the CA DOJ facility or a separate future user space for office or research uses.

1.1.4 Project Objectives

As stated above, the underlying purpose of The Hub, Sacramento State Research Park Project is the creation of a research and innovation center that provides hands-on learning opportunities for Sacramento State students in technology and forensic science and fosters the incubation of new mobility technologies, the promotion of scientific discoveries, and jobs creation for the local community. The project is intended to be a showcase facility for the University and a model for integrating higher education, research, and industry in California and beyond. The objectives of The Hub are to:

- optimize an underutilized infill location, within the City of Sacramento, and proximate to the Sacramento State main campus and public transportation;
- provide public and private partnerships in research and innovation that support the academic curriculum at Sacramento State and provide student internships and other hands-on learning opportunities;
- working jointly with CMC partners, develop a facility that supports CMC research and development and provides opportunities for direct student involvement in autonomous electric vehicle manufacturing and testing;
- provide for direct student involvement in criminal justice and forensics investigations and consolidate CA DOJ programs and research;
- enhance opportunities for collaboration between the University and startup businesses, which would accommodate high-skilled technology-related jobs, reduce loss of intellectual capital and revenue to enhance sustainability within the Sacramento region and beyond, and allow a greater number of residents to live and work in the community;
- provide energy-efficient building design, low-water use, and high-quality construction, consistent with CSU sustainable design practices; and
- promote flexibility in project design and implementation to respond to market demand, through phasing of construction.

1.1.5 Environmental Review Process

NOTICE OF PREPARATION

In accordance with CEQA (Public Resources Code [PRC] Section 21092) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15082), Sacramento State issued a notice of preparation (NOP) on March 22, 2021. Sacramento State circulated the NOP to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the proposed project. Sacramento State followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The NOP was received by the State Clearinghouse (State Clearinghouse No. 2021030485) and the 30-day public review period ended on April 21, 2021. One public scoping meeting was conducted by Sacramento State on April 7, 2021.

DRAFT EIR

In accordance with CEQA (PRC Sections 21000-21177) and the State CEQA Guidelines (14 CCR Sections 15000-15387), Sacramento State prepared a Draft EIR (which is the subject of these Findings) to address the potential significant environmental effects associated with The Hub. The Draft EIR addresses the following potentially significant environmental issues:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Archaeological, Historical, and Tribal Cultural Resources;
- Energy;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials,
- Noise;
- Transportation; and
- Utilities and Service Systems.

Sacramento State published the Draft EIR for public and agency review on January 14, 2022 for a 45-day public review period that ended on February 28, 2022.

During the public review period, the Draft EIR was accessible online at https://www.csus.edu/administration-business-affairs/facilities-management/news-archive.html.

During the Draft EIR public review period, Sacramento State received two comment letters, which were reviewed, included in the Final EIR, and responses to comments relevant to CEQA were addressed in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132).

FINAL EIR

Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare written response addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR, as needed and as appropriate.

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

In accordance with State CEQA Guidelines section 15132, the Final EIR for the proposed project consists of: (i) the Draft EIR and subsequent revisions; (ii) comments received on the Draft EIR; (iii) a list of the persons, organizations, and public agencies commenting on the Draft EIR; (iv) written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and, (v) other information contained in the EIR, including EIR appendices.

The Final EIR was released on May 13, 2022 and was made available for review by commenting agencies, in accordance with CEQA requirements. The Final EIR was also made available to the public online at https://www.csus.edu/administration-business-affairs/facilities-management/news-archive.html.

1.2 CEQA FINDINGS OF INDEPENDENT JUDGMENT

1.2.1 Effects Determined Not to Be Significant

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. This information is addressed under the heading "Issues Not Discussed Further" in each

resource section of the Final EIR and, with respect to those issue areas that were scoped out as part of the NOP process, at the beginning of Chapter 3, "Environmental Impacts and Mitigation Measures" of the Final EIR. Based on these discussions, implementation of The Hub was determined to result in no potentially significant impacts related to the following issues, which were therefore, not discussed in detail in the EIR:

- Aesthetics: The Hub would not have a substantial adverse effect on a scenic vista.
- Aesthetics: The Hub would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Agricultural Resources: The Hub would not Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Agricultural Resources: The Hub would not conflict with existing agricultural zoning for agricultural use or a Williamson Act contract.
- Agricultural Resources: The Hub would not conflict with existing zoning for, or cause rezoning of, forestland or timberland.
- Agricultural Resources: The Hub would not result in the loss of forest land or conversion of forest land to non-forest use.
- Agricultural Resources: The Hub would not Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.
- Air Quality: The Hub would not result in localized mobile-source CO emissions that exceed Sacramento Metropolitan Air Quality Management District's (SMAQMD's) thresholds.
- Biological Resources: The Hub would not have a substantial adverse effect on special-status plants.
- Biological Resources: The Hub would not result in a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service (USFWS).
- Biological Resources: The Hub would not result in a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Biological Resources: The Hub would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Biological Resources: The Hub would not conflict with the provisions of an adopted habitat conservation plan (HCP), Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- Archaeological, Historical, and Tribal Cultural Resources: The Hub would not cause a substantial adverse change in the significance of a historical resource.
- Energy: The Hub would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.
- Geology and Soils: The Hub would not directly or indirectly cause potential adverse effects involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, strong seismic ground shaking, seismic-related ground failure including liquefaction, landslides, soil erosion or loss of topsoil.

- Geology and Soils: The Hub would not be located on a geologic unit or soil that is unstable, or that would become unstable resulting in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Geology and Soils: The Hub would not be located on expansive soil.
- Geology and Soils: The Hub would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.
- Geology and Soils: The Hub would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Hazards and Hazardous Materials: The Hub would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Hazards and Hazardous Materials: The Hub would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- Hazards and Hazardous Materials: The Hub is not located within two miles of a public airport or public use airport and would not result in a related safety hazard or excessive noise for people residing or working in the project area.
- Hazards and Hazardous Materials: The Hub would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Hazards and Hazardous Materials: The Hub would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.
- Hydrology and Water Quality: The Hub would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- Hydrology and Water Quality: The Hub would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- Hydrology and Water Quality: The Hub would not substantially alter the existing drainage pattern of the site or area resulting in substantial erosion or siltation on- or off-site.
- Hydrology and Water Quality: The Hub would not substantially alter the existing drainage pattern of the site or area resulting in substantial increases in the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.
- Hydrology and Water Quality: The Hub would not substantially alter the existing drainage pattern of the site or area resulting in creation or contribution of runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Hydrology and Water Quality: The Hub would not substantially alter the existing drainage pattern of the site or area resulting in impedance or redirection of flood flows.
- Hydrology and Water Quality: The Hub would result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
- Hydrology and Water Quality: The Hub would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- Land Use and Planning: The Hub would not physically divide an established community.
- Land Use and Planning: The Hub would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

- Mineral Resources: The Hub would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state;
- Mineral Resources: The Hub would not result in the loss of availability of a locally-important mineral resource recovery site delineated on an applicable land use plan;
- Noise: The Hub would not expose people residing or working in the Master Plan Area to excessive noise associated with airport/airstrip-related operations;
- Noise: The Hub would not generate excessive groundborne vibration or groundborne noise levels during operation;
- Population and Housing: The Hub would not induce substantial unplanned population growth in an area, either directly or indirectly.
- Population and Housing: The Hub would not displace substantial numbers of people or homes, necessitating the construction of replacement housing elsewhere.
- Public Services: The Hub would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, and/or other public services.
- Recreation: The Hub would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Recreation: The Hub does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
- Transportation: The Hub would not substantially increase hazards because of a geometric design feature or incompatible uses;
- Transportation: The Hub would not result in emergency access;
- Utilities: The Hub would not require or result in the relocation or construction of new or expanded water facilities due to demand associated with fire flow, the construction or relocation of which could cause significant environmental effects; and
- Utilities: The Hub would not result in insufficient groundwater supplies.
- Wildfire: The Hub would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- Wildfire: The Hub would not expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors, exacerbate wildfire risks.
- Wildfire: The Hub would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Wildfire: The Hub would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

1.2.2 Less-Than-Significant Impacts

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

AESTHETICS

An evaluation of the project's aesthetics impacts is found in Section 3.1, "Aesthetics," of the Final EIR. Implementation of The Hub would not result in significant impacts related to degradation of the visual character or quality of public views of the site and its surroundings (Impact 3.1-1); or create a new source of substantial light or glare that adversely affects day or nighttime views (Impact 3.1-2).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, implementation of The Hub is not projected to result in substantial degradation of the visual character or quality of public views of the site and its surroundings, or creation of a new source of substantial light or glare that adversely affects day or nighttime views. These impacts would be less than significant, and no mitigation measures are required.

AIR QUALITY

The project-related air quality impacts are evaluated in Section 3.2, "Air Quality," of the Final EIR. Implementation of The Hub would not result in significant impacts related to conflicts with or obstructing implementation of an applicable air quality plan (Impact 3.2-1); net increase in long-term operational criteria air pollutant and precursor emissions that exceed SMAQMD-recommended thresholds (Impact 3.2-3); exposure of sensitive receptors to substantial pollutant concentrations (Impact 3.2-4); or creation of objectionable odors affecting a substantial number of people (Impact 3.2-5).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects from conflicts with or obstructing implementation of an applicable air quality plan, net increase in long-term operational criteria air pollutant and precursor emissions that exceed SMAQMD-recommended thresholds, exposure of sensitive receptors to substantial pollutant concentrations, and creation of objectionable odors affecting a substantial number of people are less than significant, and no mitigation measures are required.

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

An evaluation of the project's archaeological, historical, and tribal cultural resources impacts is found in Section 3.4, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. Implementation of The Hub is not expected to result in significant impacts related to a substantial adverse change in the significance of an archaeological resource (Impact 3.4-1), a tribal cultural resource (Impact 3.4-3); or result in disturbance of human remains (Impact 3.4-2).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects on archaeological, tribal cultural resources, and human remains, are less than significant, and no mitigation measures are required.

ENERGY

An evaluation of the project's energy impacts is found in Section 3.5, "Energy," of the Final EIR. Implementation of The Hub would not result in significant impacts related to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources (Impact 3.5-1); and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency (Impact 3.5-2).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources; or conflicts with or obstruction of a state or local plan for renewable energy or energy efficiency are less than significant, and no mitigation measures are required.

HAZARDS AND HAZARDOUS MATERIALS

An evaluation of the impacts of the project related to hazards and hazardous materials is found in Section 3.7, "Hazards and Hazardous Materials," of the Final EIR. Implementation of The Hub would not result in significant impact related to hazards to the public or the environment through the storage, use, or transport of hazardous materials (Impact 3.7-1).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to hazards to the public or the environment through the storage, use, or transport of hazardous materials, is less than significant, and no mitigation measures are required.

NOISE

An evaluation of the project's noise impacts is found in Section 3.8, "Noise," of the Final EIR. Implementation of The Hub would not result in significant impacts related to substantial temporary construction noise (Impact 3.8-1), substantial temporary construction vibration levels (Impact 3.8-2), substantial long-term increases in stationary noise (Impact 3.8-3), or generation of substantial increases in long-term traffic noise levels (Impact 3.8-4).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to substantial temporary construction noise, substantial temporary construction vibration levels, substantial long-term increases in stationary noise, or the project's effects from generation of a substantial increases in long-term traffic noise levels are less than significant, and no mitigation measures are required.

UTILITIES AND SERVICE SYSTEMS

An evaluation of the project's utilities and service systems impacts is found in Section 3.10, "Utilities and Service Systems," of the Final EIR. Implementation of The Hub would not result in significant impacts related to relocation or construction of new or expanded water infrastructure (Impact 3.10-1), insufficient water supplies available to serve the project (Impact 3.10-2), inadequate wastewater treatment capacity (Impact 3.10-3), or generation of solid waste in excess of state or local standards or the capacity of local infrastructure or impairing the attainment of solid waste reduction goals or requirements (Impact 3.10-4).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the impacts related to the project's potential to relocate or construct new or expanded water infrastructure, have insufficient water supplies available to serve the project, result in inadequate wastewater treatment capacity, or generate solid waste in excess of state or local standards or the capacity of local infrastructure are less than significant, and no mitigation measures are required.

1.2.3 Potentially Significant or Significant Impacts Mitigated Below a Level of Significance

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

AIR QUALITY

An evaluation of the project's impacts related to air quality is found in Section 3.2, "Air Quality," of the Final EIR. Implementation of The Hub would cause construction-generated criteria air pollutants or precursor emissions that exceed SMAQMD-recommended thresholds (Impact 3.2-2). The University shall implement the following mitigation measure to avoid or reduce the environmental effects of the project on air quality.

Mitigation Measure 3.2-2: Implement SMAQMD's Basic Construction Emission Control Practices

For all project-related development, construction contractors shall implement SMAQMD's Basic Construction Emission Control Practices, including the following:

- water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads;
- cover or maintain at least two feet or free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered;
- use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited;
- limit vehicle speeds on unpaved roads to 15 miles per hour (mph);
- complete construction of all roadways, driveways, sidewalks, parking lots as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site; and
- maintain all construction equipment is in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.

Finding

The CSU Board of Trustees finds that Mitigation Measure 3.2-2 is feasible, will reduce the significant air quality related impacts of the project to less-than-significant levels by requiring implementation of SMAQMD's basic construction emission control practices, and is adopted by the CSU Board of Trustees. Accordingly, the CSU Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Impact 3.2-2).

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

An evaluation of the project's impacts related to archaeological, historical, and tribal cultural resources is found in Section 3.4, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. Earthmoving activities

associated with project construction could disturb or destroy previously undiscovered significant subsurface tribal cultural resources (Impact 3.4-3). The University shall implement the following mitigation measure to avoid or reduce the environmental effects of the project on tribal cultural resources.

Mitigation Measure 3.4-3 Tribal Cultural Resources Unanticipated Discovery

- A cultural resources respect training program will be provided to all construction personnel active on the project site prior to implementation of earth moving activities. The program will include relevant information regarding sensitive tribal cultural resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American tribal values.
- If any suspected tribal cultural resources are discovered during ground disturbing construction activities, including midden soil, stone tools, chipped stone, or unusual amounts of baked clay, shell, or bone, all grading and excavation work shall cease within 100 feet of the find.
    - The applicant shall retain a qualified archaeologist and immediately notify and retain a tribal representative from a California Native American tribe that is traditionally and culturally affiliated with the geographic area. Together, the archaeologist and tribal representative shall determine if the find is a tribal cultural resource (pursuant to PRC Section 21074). If the find does not qualify as a tribal cultural resource, work may resume.
    - If the find is determined to be a tribal cultural resource, the tribal representative shall make recommendations for the appropriate treatment, as necessary. Preservation in place is the preferred alternative under CEQA and tribal protocols, and every effort must be made to preserve the resources in place, including through project redesign.
    - Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project vicinity where they will not be subject to future impacts. Materials shall not be permanently curated unless approved by the tribe. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include culturally appropriate recovery of cultural objects and reburial of cultural objects or cultural soil. The University shall work with the contractor and tribal representative to facilitate the appropriate tribal treatment of any finds, as necessary.
    - Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery, has been completed.

Finding

The CSU Board of Trustees finds that Mitigation Measure 3.4-3 is feasible; requires implementation of a cultural resources respect training program and, in the case of a discovery, preservation in place and/or culturally appropriate treatment as directed by a tribal representative; will reduce the potential tribal cultural resources-related impacts of the project to less-than-significant levels; and is adopted by the CSU Board of Trustees. Accordingly, the CSU Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Impact 3.4-3).

BIOLOGICAL RESOURCES

An evaluation of the potential biological resource impacts of University's The Hub is provided in Section 3.3, "Biological Resources," of the Final EIR. Implementation of The Hub would result in disturbance or loss of special-status wildlife species and habitat (Impact 3.3-1); and would conflict with local policies and ordinances (Impact 3.3-2). The University shall implement the following mitigation measures to avoid or reduce the environmental effects of the project on biological resources.

Mitigation 3.3-1a: Conduct Take Avoidance Survey for Burrowing Owl, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows

The following measures shall be implemented prior to and during project construction activities:

- A qualified biologist will conduct a focused survey for burrowing owls in areas of habitat suitable for the species (e.g., ruderal grassland, artificial burrow habitat) on and within accessible areas 1,640 feet (500 meters) 1,500 feet of the project site no less than 14 days prior to initiating ground disturbance activities using survey methods described in Appendix D of the CDFW Staff Report (CDFW 2012).
- If no occupied burrows are found, the qualified biologist will submit a report documenting the survey methods and results to the University, and no further mitigation will be required.
- If an active burrow is found within 1,640 feet of pending construction activities that would occur during the nonbreeding season (September 1 through January 31), the University shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size will be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). The protection buffer may be adjusted if, in consultation with CDFW, a qualified biologist determines that an alternative buffer will not disturb burrowing owl use of the burrow because of particular site features or other buffering measures. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan will be developed, as described in Appendix E of the CDFW Staff Report (CDFW 2012). Burrowing owls will not be excluded from occupied burrows until the project burrowing owl exclusion plan is approved by CDFW. The exclusion plan will include a compensatory habitat mitigation plan (see below).
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows will not be disturbed and will be provided with a protective buffer at a minimum of 164 feet unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer may be adjusted depending on the time of year and level of disturbance as outlined in the CDFW Staff Report (CDFW 2012). The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented so that burrowing owls are not adversely affected. Once the fledglings are capable of independent survival, the owls can be evicted, and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW Staff Report (CDFW 2012).
- If burrowing owls are evicted from burrows and the burrows are destroyed by implementation of project construction activities, the University will mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW Staff Report, which states that permanent impacts on nesting, occupied and satellite burrows, and burrowing owl habitat (i.e., grassland habitat with suitable burrows) will be mitigated such that habitat acreage and number of burrows are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal (CDFW 2012). The University will retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:
    - Mitigation lands will be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species throughout its range.
    - If feasible, mitigation lands will be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of injury or mortality. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient habitat to support displaced owls that may be preserved in perpetuity.

- If habitat suitable for burrowing owl is not available for conservation adjacent or proximate to the project site, mitigation lands can be secured off-site and will aim to consolidate and enlarge conservation areas outside of planned development areas and within foraging distance of other conservation lands. Mitigation may be also accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. Alternative mitigation sites and acreages may also be determined in consultation with CDFW.
- If burrowing owl habitat mitigation is completed through permittee-responsible conservation lands, the mitigation plan will include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success will be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the CDFW Staff Report, will include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors (CDFW 2012).

Mitigation 3.3-1b: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers

The following measures shall be implemented prior to and during project construction activities:

- To minimize the potential for loss of special-status bird species, raptors, and other native birds, project construction activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) will be conducted during the nonbreeding season (approximately September 1-January 31, as determined by a qualified biologist), if feasible. If project construction activities are conducted during the nonbreeding season, no further mitigation will be required.
- Within 14 days before the onset of project construction activities during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys will conduct focused surveys for special-status birds, other nesting raptors, and other native birds. Surveys will be conducted within 0.25 mile of the project site for Swainson's hawk within 500 feet of the project site for white-tailed kite and other common raptors, and within 50 feet of the project site for non-raptor common native bird nests.
- Impacts on nesting birds will be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project construction activity will not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. An avoidance buffer of a minimum of 0.25 mile will be implemented for Swainson's hawk in consultation with CDFW. For other species, a qualified biologist will determine the size of the buffer for non-raptor nests after a site- and nest-specific analysis. Buffers typically will be 500 feet for white-tailed kite and other raptors (other than Swainson's hawk). Buffer size for non-raptor bird species will be determined by a qualified biologist. Factors to be considered for determining buffer size will include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project construction activities. Generally, buffer size for these species will be at least 20 feet. The size of the buffer may be adjusted if a qualified biologist, determines that such an adjustment would not be likely to adversely affect the nest. Any buffer reduction for a special-status species will require consultation with CDFW. Periodic monitoring of the nest by a qualified biologist during project construction activities will be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project construction activities, as determined by the qualified biologist.

Mitigation 3.3-1c: Conduct Focused Bat Surveys and Implement Avoidance Measures

The following measures shall be implemented prior to and during project construction activities:

- Prior to the start of project construction activities a qualified biologist with familiarity with bats and bat ecology, and experienced in conducting bat surveys will conduct surveys for bat roosts in large trees on the project site.
- If no evidence of bat roosts is found, the qualified biologist will submit a report summarizing the results of the survey to the University, and no further study will be required.
- If evidence of bat roosts is observed, the species and number of bats using the roost will be determined. Bat detectors shall be used if deemed necessary to supplement survey efforts by the qualified biologist.
- A no-disturbance buffer of 250 feet will be established around active pallid bat or western red bat roosts, and project construction activities will not occur within this buffer until after the roosts are unoccupied as determined by a qualified biologist.
- If roosts of pallid bat or western red bat are determined to be present and must be removed, the bats will be excluded from the roosting site before the tree is removed. A program addressing compensation, exclusion methods, and roost removal procedures will be developed in consultation with CDFW before implementation. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in consultation with CDFW and may require construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. If determined necessary during consultation with CDFW, replacement roosts will be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site by a qualified biologist, the roost tree may be removed.

Mitigation Measure 3.3-2: Remove and Replace City Street Trees Consistent with the City of Sacramento Tree Preservation Ordinance

Before construction begins, the University will complete a survey of City street trees at the project site and prepare and submit a detailed tree removal, protection, replanting, and replacement plan to the City arborist. The tree removal plan will be developed by a certified arborist. Separate plans may be prepared for different phases of project construction; however, each construction phase cannot be initiated until a completed plan addressing that construction phase is provided to the City of Sacramento. The plan shall include the following elements:

- The number, location, species, health, and sizes of all City street trees to be removed, relocated, or replaced will be identified. This information will also be provided on a map/design drawing to be included in the project plans.
- Planting techniques, the necessary maintenance regime, success criteria, and a monitoring program for all City street trees planted on or, disturbed but retained on the project site, will be described.

Finding

The CSU Board of Trustees finds that Mitigation Measures 3.3-1a, 3.3-1b, 3.3-1c, and 3.3-2 are feasible, will reduce the potential biological resources-related impacts of the project to less-than-significant levels, and are adopted by the CSU Board of Trustees. These mitigation measures require the University to implement take-avoidance surveys for burrowing owl, measures to avoid injury or mortality of burrowing owls and destruction of active nests if detected, and compensation if burrows cannot be avoided; focused surveys for nesting birds and implementation of measures to avoid disturbance, injury, or mortality of the species if nests are detected; focused surveys for bat roosts, implementation of no-disturbance buffers around active special-status bat roosts, and consultation with CDFW if special-status bat roosts will be removed; and submission of a tree removal, protection, replanting, and replacement plan to the City prior to removal of any City street trees. Accordingly, the CSU Board of Trustees finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Impacts 3.3-1 and 3.3-2).

HAZARDS AND HAZARDOUS MATERIALS

An evaluation of potential impacts on hazards and hazardous materials from implementation of The Hub is provided in Section 3.7, "Hazards and Hazardous Materials," of the Final EIR. Construction activities could result in disturbance or accidental release of unidentified hazard materials within the project site (Impact 3.7-2). The University shall implement the following mitigation measure to avoid or reduce the environmental effects of the project related to hazards and hazardous materials.

Mitigation Measure 3.7-2: Identification and Treatment of Potential Hazardous Materials and Conditions

To reduce health hazards associated with potential exposure to hazardous substances, Sacramento State and/or its construction contractors shall implement the following measures before initiation of construction activities within the project site:

- Sacramento State shall retain a qualified environmental professional to conduct a hazardous materials survey (i.e., Phase I Environmental Site Assessment) to characterize potential contamination and to identify any required remediation that shall be conducted consistent with applicable regulations. The environmental professional shall prepare a report that includes but is not limited to activities performed for the assessment, a summary of anticipated contaminants and contaminant concentrations at the project site, and recommendations for appropriate handling of any contaminated materials during construction. Any contaminated areas shall be remediated in accordance with recommendations made by the Sacramento County Environmental Management Department, Central Valley RWQCB, DTSC, or other appropriate federal, state, or local regulatory agencies.
- If hazardous materials or conditions are identified, completion of all recommended site remediation and cleanup activities shall occur prior to project construction.
- If Sacramento State acquires the parcel (APN 079-0260-006) south of the project site for a roadway connection between the project site and Cucamonga Avenue, Sacramento State shall comply with regulations contained in Section 21190(g) of Title 27 of the California Code of Regulations governing post-closure land use and this area. Additionally, construction and operation of this optional parcel shall comply with requirements listed in SCI Policy LU 3.5.4.

Finding

The CSU Board of Trustees finds that Mitigation Measure 3.7-2 is feasible, will reduce the potential hazards and hazardous materials related impacts of the project to less-than-significant levels, and is adopted by the CSU Board of Trustees. This mitigation requires Sacramento State to conduct a hazardous materials survey to locate potential hazardous materials at the project site prior to development and ensure that any encountered hazardous materials, including contaminated soils, are appropriately remediated and disposed of in accordance with applicable regulations and the safety of the surrounding environment; and requires compliance with the regulations governing post-closure land use if APN 079-0260-006 is acquired and utilized for a roadway connection to Cucamonga Avenue. Accordingly, the CSU Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR (Impact 3.7-2).

1.2.4 Significant Impacts That Cannot Be Mitigated Below a Level of Significance

This section identifies the significant and unavoidable impacts that require a statement of overriding considerations to be issued by the CSU 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 and unavoidable:

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE – GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT

An evaluation of the project's greenhouse gas (GHG) emissions and impact on climate change is found in Section 3.6, "Greenhouse Gas Emissions and Climate Change," of the Final EIR. The project would result in GHG emissions from construction and operational activities including vehicle trips, area sources, electricity and natural gas consumption, water use, and waste generation. The project includes installation of onsite solar according to 2022 Building Efficiency Standards and the installation of 71 electric vehicle supply equipment (EVSE)-equipped parking spaces, which would offset a portion of project GHG emissions. However, the project may not achieve a 15 percent reduction in regional vehicle miles traveled (VMT); therefore, the project would not be consistent with SMAQMD's threshold of significance related to VMT reduction, and the project's GHG emissions would be significant (Impact 3.6-1).

Mitigation Measure 3.6-1a: Reduce Project-Related Construction Greenhouse Gas Emissions

During construction activities, the University shall require its contractors to implement the following best management practices, as recommended by SMAQMD:

- Improve fuel efficiency from construction equipment:
  - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes (5-minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
  - Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.
- Perform on-site material hauling with trucks equipped with on-road engines
- Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power.
- Require workers to use carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.
- Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- Recycle or salvage 75 percent of non-hazardous construction and demolition debris by weight.
- Use 20 percent of locally sourced or recycled materials for construction materials. Wood products utilized are to be certified and verified through a sustainable forestry program.
- Utilize a low carbon concrete option.
- Use SmartWay certified trucks for deliveries and equipment transport.

In addition and prior to the start of any construction activities, the University shall require its construction contractors to use renewable diesel (RD) fuel for all diesel-powered construction equipment. Any RD product that is considered for use by the construction contractors shall comply with California's Low Carbon Fuel Standards and be certified by the CARB Executive Officer. RD fuel must also meet the following criteria:

- be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., nonpetroleum sources), such as animal fats and vegetables,
- contain no fatty acids or functionalized fatty acid esters, and

- have a chemical structure that is identical to petroleum-based diesel which ensures RD will be compatible with all existing diesel engines; it must comply with American Society for Testing and Materials (ASTM) D975 requirements for diesel fuels.

Mitigation Measure 3.6-1b: Implement Transportation Demand Management Strategies to Reduce Project-Generated VMT

The University shall implement transportation demand management (TDM) strategies to reduce vehicle trips and, in turn, VMT that would be generated by the project. The implementation of TDM strategies shall reduce total VMT per service population to levels that are 15 percent or more below the existing City of Sacramento and SACOG Region total VMT per service population averages.

Potential TDM strategies and their GHG mitigation potential include, but are not limited to, the following:

- Promote walking and bicycling for employee and student trips to and from the project site, including improved bicycle and pedestrian connections between the project site and Power Inn Station as described in Mitigation Measure 3.9-1d. This measure would result in a GHG mitigation potential of up to 4 percent of mobile emissions.
- Expand public transit service, including additional service connecting the project site with employee and student residential areas, as well as additional service connecting the project site with the Sacramento State main campus. This measure would result in a GHG mitigation potential of up to 4.6 percent of mobile emissions.
- Implement a fair value commuting program or other pricing of vehicle travel and parking. This measure would result in a GHG mitigation potential of up to 8 percent of mobile emissions.
- Provide carpool and/or vanpool incentive programs. This measure would result in a GHG mitigation potential of up to 8 percent of mobile emissions.
- Offer remote and/or hybrid working options. This measure's GHG mitigation potential is supportive of the measures provided above.

The GHG mitigation potential of the TDM strategies list were provided from the California Air Pollution Control Officers Association (2021), *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*.

The TDM strategies implemented will be consistent with existing and planned TDM programs on the Sacramento State main campus. If these TDM strategies are not sufficient to reduce total VMT per service population as described above, additional TDM measures or adjustments to the measures above shall be implemented as needed to reduce total VMT per service population consistent with the criteria described above.

Finding

The CSU Board of Trustees finds that implementation of Mitigation Measure 3.6-1a, which is required, will reduce project construction-related GHG emissions by implementing BMPs and renewable diesel to reduce GHG emissions from construction equipment. However, the level of GHG emission reductions from BMPs and renewable diesel engines cannot be determined at this time due to potential physical site or technological constrains prohibiting infrastructure to be installed. Therefore, it cannot be determined if the project's construction impacts would be reduced below SMAQMD's 1,100 $MTCO_2e$ threshold.

The CSU Board of Trustees finds that implementation of Mitigation Measure 3.6-1b, which is required, will reduce project-generated VMT per service population by instituting a TDM program and reduce GHG emissions from external vehicle trips generated by the project. However, the effectiveness of the TDM strategies is not known and subsequent vehicle trip and GHG emission reduction effects cannot be guaranteed. Existing evidence indicates that the effectiveness of TDM strategies in regard to trip and GHG emissions reductions can vary based on a variety of factors, including the context of the surrounding built environment (e.g., urban versus suburban) and the aggregate effect of multiple TDM strategies deployed together. Moreover, many TDM strategies are not just site-specific, but also rely on implementation and/or adoption by private entities (e.g., elective use of a carpool program by office building tenants).

Due to uncertainties regarding the ability for Mitigation Measures 3.6-1a and 3.6-1b to quantifiably reduce both construction-related GHG emissions and operational, VMT-related emissions, applicable thresholds (e.g., a 15 percent reduction in operational VMT and associated GHG emissions) may still be exceeded even with implementation of mitigation. Potential additional mitigation included the purchase of offsets; however, due to uncertainties surrounding the availability, feasibility (e.g., due to per-credit cost variability), and verifiability of carbon credits, the CSU Board of Trustees finds that this is not considered feasible mitigation for the purposes of this project. Therefore, no additional feasible mitigation is available to reduce the project's impact. The project would be inconsistent with SMAQMD's Tier 2, BMP 3 and this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE – CONFLICT WITH AN APPLICABLE PLAN, POLICY OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES

An evaluation of the project's greenhouse gas (GHG) emissions and impact on climate change is found in Section 3.6, "Greenhouse Gas Emissions and Climate Change," of the Final EIR. The project would include GHG efficiency measures consistent with CSU policies and plans adopted for the purpose of reducing GHG emissions and enabling the achievement of reduction targets. However, the project would not be consistent with the BMPs required by SMAQMD to align with the goals of the 2017 Scoping Plan, which is considered a significant impact (Impact 3.6-2).

Mitigation Measure 3.6-2

Implement Mitigation Measure 3.6-1a: Reduce Project-Related Construction Greenhouse Gas Emissions, and Mitigation Measure 3.6-1b: Implement Transportation Demand Management Strategies to Reduce Project-Generated VMT.

Finding

The CSU Board of Trustees finds that implementation of Mitigation Measure 3.6-1a, which is required, will reduce project construction-related GHG emissions by implementing BMPs and renewable diesel to reduce GHG emissions from construction equipment. However, the level of GHG emission reductions from BMPs and renewable diesel engines cannot be determined at this time due to potential physical site or technological constrains prohibiting infrastructure to be installed. Therefore, it cannot be determined if the project's construction impacts would be reduced below SMAQMD's 1,100 MTCO2e threshold.

The CSU Board of Trustees finds that implementation of Mitigation Measure 3.6-1b, which is required, will reduce project-generated VMT per service population by instituting a TDM program and reduce GHG emissions from external vehicle trips generated by the project. However, the effectiveness of the TDM strategies is not known and subsequent vehicle trip and GHG emission reduction effects cannot be guaranteed. Existing evidence indicates that the effectiveness of TDM strategies in regard to trip and GHG emissions reductions can vary based on a variety of factors, including the context of the surrounding built environment (e.g., urban versus suburban) and the aggregate effect of multiple TDM strategies deployed together. Moreover, many TDM strategies are not just site-specific, but also rely on implementation and/or adoption by private entities (e.g., elective use of carpool program by office building tenants).

Due to uncertainties regarding the ability for Mitigation Measures 3.6-1a and 3.6-1b to quantifiably reduce both construction-related GHG emissions and operational, VMT-related emissions, applicable thresholds (e.g., a 15 percent reduction in operational VMT and associated GHG emissions) may still be exceeded even with implementation of mitigation. Therefore, consistency with the 2017 Scoping Plan cannot be determined. As no additional feasible mitigation is available, this impact would be significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweighs this significant and unavoidable impact.

TRANSPORTATION – CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING ROADWAY, TRANSIT, BICYCLE, AND PEDESTRIAN FACILITIES

An evaluation of the project's impacts related to transportation is found in Section 3.9, "Transportation," of the Final EIR. The project would conflict with CSU and Sacramento State policies that promote the use of bicycling, walking, and transit for travel to and from campus. Additionally, the project would change the volume of vehicle traffic on City of Sacramento facilities in a manner that would conflict with City of Sacramento bicycle facility design guidance, which is consider a significant impact (Impact 3.9-1).

Mitigation Measure 3.9-1a: Construct Bicycle Facility Improvements on Ramona Avenue

Sacramento State shall coordinate with the City of Sacramento to implement the construction of Class II bicycle lanes on Ramona Avenue between Brighton Avenue and Cucamonga Avenue, or an improvement of equal effectiveness. This modification has been identified as a planned improvement in multiple City of Sacramento planning documents, including the Bicycle Master Plan.

Additionally, to further improve bicycle safety along this roadways segment, Sacramento State shall coordinate with City of Sacramento to ensure the construction of bike lane conflict markings (e.g., at driveways and intersection approaches), reductions to crossing distances (i.e., to reduce bicyclist exposure to conflicting vehicles), intersection crossing markings, and crosswalk at all driveways and intersections providing ingress/egress to the project site.

Improvements shall be constructed prior to occupancy of Phase I of the project. As part of this coordination effort, Sacramento State and City of Sacramento shall determine which agency will be responsible for constructing these improvements and how fair-share cost will be determined if the City is determined to be the appropriate agency to build the improvements.

Mitigation Measure 3.9-1b: Construct Bicycle Facility Improvements on Cucamonga Avenue

Sacramento State shall coordinate with the City of Sacramento to implement the construction of bicycle facility improvements on Cucamonga Avenue between Ramona Avenue and Power Inn Road, or an improvement of equal effectiveness. Potential bicycle facility improvement alternatives include the following:

- Construction of Class II bicycle lanes. This improvement would require the removal of existing on-street parking or the widening of the roadway.
- Construction of a Class III bicycle route. This improvement would require that the speed of vehicle traffic be managed such that a considerable speed differential would not exist between bicyclists and vehicles occupying the same physical space. This modification has been identified as a planned improvement in the City of Sacramento Bicycle Master Plan.

Additionally, to further improve bicycle safety along this roadways segment, Sacramento State shall coordinate with City of Sacramento to ensure the construction of bike lane conflict markings (e.g., at driveways and intersection approaches), reductions to crossing distances (i.e., to reduce bicyclist exposure to conflicting vehicles), intersection crossing markings, and crosswalks at all driveways and intersections providing ingress/egress to the project site.

Improvements shall be constructed prior to occupancy of Phase I of the project. As part of this coordination effort, Sacramento State and City of Sacramento shall determine which agency will be responsible for constructing these improvements and how fair-share cost will be determined if the City is determined to be the appropriate agency to build the improvements.

Mitigation Measure 3.9-1c: Construct Bicycle and Pedestrian Facility Improvements on Brighton Avenue

Sacramento State shall coordinate with the City of Sacramento to implement the construction of bicycle facility improvements on Brighton Avenue between Ramona Avenue and the eastern Brighton Avenue terminus, or identify an improvement of equal effectiveness. Potential bicycle facility improvement alternatives include the following:

- Construction of a Class I shared-use path on the north side of Brighton Avenue and new sidewalks on the south side of Brighton Avenue. This modification has been identified as a planned improvement in multiple City of Sacramento planning documents.
- Construction of Class II bicycle lanes and new sidewalks on both sides of Brighton Avenue.

Additionally, to further improve bicycle and pedestrian safety along this roadways segment, Sacramento State shall coordinate with City of Sacramento to ensure the construction of bike lane conflict markings (e.g., at driveways and intersection approaches), reductions to crossing distances (i.e., to reduce bicyclist and pedestrian exposure to conflicting vehicles), intersection crossing markings, and crosswalks at all driveways and intersections providing ingress/egress to the project site.

Improvements shall be constructed prior to occupancy of Phase I of the project. As part of this coordination effort, Sacramento State and City of Sacramento shall determine which agency will be responsible for constructing these improvements and how fair-share cost will be determined if the City is determined to be the appropriate agency to build the improvements.

Mitigation Measure 3.9-1d: Construct Bicycle and Pedestrian Access Improvements Between the Project Site and Power Inn Station

Sacramento State shall coordinate with the City of Sacramento to ensure construction of bicycle and pedestrian access improvements between the project site and Power Inn Station, or an improvement of equal effectiveness. Potential bicycle and pedestrian facility improvement alternatives include the following:

- If selected, the extension of the new north-south road to Cucamonga Avenue shall provide designated bicycle and pedestrian facilities. Construct a north leg marked crosswalk and install associated pedestrian crossing signal equipment at the Power Inn Road/Cucamonga Avenue intersection.
- Extend the new east-west road to Power Inn Road and provide designated bicycle and pedestrian facilities. Construct a north or south leg marked crosswalk and install associated pedestrian crossing signal equipment at the Power Inn Road/east-west road/Power Inn Station Driveway intersection.
- Construct a Class I shared-use path between the eastern terminus of the new east-west road and Power Inn Road. Construct a north or south leg marked crosswalk and install associated pedestrian crossing signal equipment at the Power Inn Road/east-west road/Power Inn Station Driveway intersection.
- Construct a grade-separated bicycle and pedestrian crossing over Power Inn Road between the eastern terminus of Brighton Avenue and Power Inn Station.

Improvements shall be constructed prior to occupancy of Phase II of the project. As part of this coordination effort, Sacramento State and City of Sacramento shall determine which agency will be responsible for constructing these improvements and how fair-share cost will be determined if the City is determined to be the appropriate agency to build the improvements.

Finding

The CSU Board of Trustees finds that implementation of Mitigation Measures 3.9-1a through 3.9-1d would reduce impacts to a less-than-significant level by reducing the potential for conflicts involving bicyclists or pedestrians in a manner consistent with CSU and Sacramento State policies the promote the use of walking, bicycling, and transit to and from campus. Moreover, implementation of these mitigation measures would modify City of Sacramento facilities to accommodate project-related changes to vehicle traffic in a manner that would bring the facilities into compliance with City of Sacramento bicycle facility design guidance. However, the City of Sacramento holds jurisdictional control

of the public roadway right-of-way surrounding the project site, including the roadway segments/right-of-way identified for improvements in Mitigation Measures 3.9-1a through 3.9-1d. The CSU Board of Trustees finds that such changes can and should be adopted by the City of Sacramento. However, because Sacramento State does not have jurisdictional control of the right-of-way and thus does not have the ability to construct these improvements, it cannot be ensured that Mitigation Measures 3.9-1a through 3.9-1d would be implemented. Therefore, this impact would be significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweighs this significant and unavoidable impact.

TRANSPORTATION – CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B) RELATED TO VEHICLE MILES TRAVELED

An evaluation of the project's impacts related to transportation is found in Section 3.9, "Transportation," of the Final EIR. The project would generate total VMT per service population at a rate that exceeds the threshold of 15 percent below the existing City or regional average, which is consider a significant impact (Impact 3.9-2).

Mitigation Measure 3.9-2: Implement Transportation Demand Management Strategies to Reduce Project-Generated VMT

Potential TDM strategies include, but are not limited to, the following:

- Promote walking and bicycling for employee and student trips to and from the project site, including improved bicycle and pedestrian connections between the project site and Power Inn Station as described in Mitigation Measure 3.9-1d.
- Expand public transit service, including additional service connecting the project site with employee and student residential areas, as well as additional service connecting the project site with the Sacramento State main campus.
- Implement a fair value commuting program or other pricing of vehicle travel and parking.
- Provide carpool and/or vanpool incentive programs.
- Offer remote and/or hybrid working options.

The TDM strategies implemented will be consistent with existing and planned TDM programs on the Sacramento State main campus. If these TDM strategies are not sufficient to reduce total VMT per service population as described above, additional TDM measures or adjustments to the measures above shall be implemented as needed to reduce total VMT per service population consistent with the criteria described above.

Finding

The CSU Board of Trustees finds that implementation of Mitigation Measure 3.9-2 will reduce project-generated VMT per service population by instituting a TDM program to reduce external vehicle trips generated by the project. However, the effectiveness of the TDM strategies is not known and subsequent vehicle trip reduction effects cannot be guaranteed. Existing evidence indicates that the effectiveness of TDM strategies with regard to vehicle trip reduction can vary based on a variety of factors, including the context of the surrounding built environment (e.g., urban versus suburban) and the aggregate effect of multiple TDM strategies deployed together. Moreover, many TDM strategies are not just site-specific, but also rely on implementation and/or adoption by private entities (e.g., elective use of carpool program by office building tenants). Due to uncertainties regarding the ability for the aforementioned mitigation measure to quantifiably reduce VMT impacts to less-than-significant levels, this impact would be significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweighs this significant and unavoidable impact.

TRANSPORTATION – HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE OR INCOMPATIBLE USES

An evaluation of the project's impacts related to transportation is found in Section 3.9, "Transportation," of the Final EIR. All new roadway, bicycle, and pedestrian infrastructure improvements constructed as part of the project would be subject to, and designed in accordance with all applicable CSU and City of Sacramento design and safety standards to avoid creating a geometric design hazard. However, gaps in the bicycle and pedestrian network could pose a barrier to bicycle and pedestrian travel and increase the potential for bicycle-vehicle or pedestrian-vehicle conflicts. Therefore, implementation of the project could potentially result in hazards to bicyclists and pedestrians, which is considered a significant impact (Impact 3.9-3).

Mitigation Measure 3.9-3a: Construct Bicycle Facility Improvements on Ramona Avenue

Implement Mitigation Measure 3.9-1a.

Mitigation Measure 3.9-3b: Construct Bicycle Facility Improvements on Cucamonga Avenue

Implement Mitigation Measure 3.9-1b.

Mitigation Measure 3.9-3c: Construct Bicycle and Pedestrian Facility Improvements on Brighton Avenue

Implement Mitigation Measure 3.9-1c.

Mitigation Measure 3.9-3d: Construct Bicycle and Pedestrian Access Improvements between the Project Site and Power Inn Station

Implement Mitigation Measure 3.9-1d.

Finding

The CSU Board of Trustees finds that implementation of Mitigation Measures 3.9-1a through 3.9-1d would reduce impacts to a less-than-significant level by reducing the potential for conflicts involving bicyclists or pedestrians in a manner consistent with CSU and Sacramento State policies the promote the use of walking, bicycling, and transit to and from campus. Moreover, implementation of these mitigation measures would modify City of Sacramento facilities to accommodate project-related changes to vehicle traffic in a manner that would bring the facilities into compliance with City of Sacramento bicycle facility design guidance. However, the City of Sacramento holds jurisdictional control of the public roadway right-of-way surrounding the project site, including the roadway segments/right-of-way identified for improvements in Mitigation Measures 3.9-1a through 3.9-1d. The CSU Board of Trustees finds that such changes can and should be adopted by the City of Sacramento. However, because Sacramento State does not have jurisdictional control of the right-of-way and thus does not have the ability to construct these improvements, it cannot be ensured that Mitigation Measures 3.9-1a through 3.9-1d would be implemented. Therefore, this impact would be significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweighs this significant and unavoidable impact.

1.3 FINDINGS REGARDING ALTERNATIVES

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or

avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417.*)

"'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.*) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible, or if the alternative does not meet the objectives for the project.

All of the environmental impacts associated with the project would be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of GHG emissions and contribution to climate change (Impacts 3.6-1 and 3.6-2) and transportation impacts related to bike/pedestrian facilities and VMT (Impacts 3.9-1 and 3.9-2). The University's goal in evaluating the project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the project's significant and unavoidable impacts.

CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the project…" (CEQA Guidelines Section 15126.6[a]). The lead agency has the discretion to determine how many alternatives constitute a reasonable range and that an EIR need not present alternatives that are incompatible with fundamental project objectives. Additionally, CEQA Guidelines Section 15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." CEQA Guidelines Section 15126.6(f) states that the range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR analysis considered a reasonable range of alternatives.

1.3.1 Alternatives Considered but Not Evaluated in Detail in the EIR

The Final EIR identifies alternatives that were considered by Sacramento State, but were rejected during the planning or scoping process and briefly explains the reasons underlying the lead agency's determination. The following alternatives were considered by the University but were not evaluated further in the EIR.

- Buildout of the Ramona Property as Identified in the SCI Specific Plan: Although the project site is owned by the University, a state agency, and is therefore not subject to local land use regulations, this alternative considers buildout of the site consistent with the City of Sacramento's SCI Specific Plan. The project site is identified for "Employment Center Mid-Rise" land uses and is zoned as Manufacturing, Research and Development Zone (MRD-SWR) in the SCI Specific Plan. As described in the SCI Specific Plan, this zoning designation allows for light industrial, flex space, office, manufacturing, and research and development uses. Retail is allowed by right up to 40,000 square feet. Retail larger than 40,000 square feet will require a conditional use permit. Residential development is conditionally permitted in this zone subject to the amenities necessary to support a neighborhood (i.e., open space, local shopping, transit access, etc.). Outdoor recycling, solid waste, auto wrecking and dismantling, self-storage, tow yards, or other heavy industrial uses are not permitted (City of Sacramento 2018). The proposed project is consistent with the SCI Specific Plan. Under this alternative, buildout of the Ramona property would be consistent with the zoning and land use designations identified in the SCI Specific Plan, which would be similar to The Hub because it would entail light industrial/manufacturing, office, and research and development uses at the project site. Because buildout of the Ramona property as described in the SCI Specific Plan would be similar to buildout of the proposed project, the CSU Board of Trustees.

- No Development and Sale of the Ramona Property: This alternative contemplated no development of the project site. Instead, the University would sell the project site to another buyer for development. Sacramento State purchased the project site in 2005 from the California Department of General Services (DGS). As described in the purchase agreement, should the University sell the Ramona property, Sacramento State would be required to remit a percentage of the property's purchase value back to DGS (DGS 2005). The value of the property's sale profit to be returned to DGS is dependent on the amount of time expended from the original purchase date of 2005. For example, if Sacramento State were to sell the Ramona property in 2022, 25 percent of the sale value would be required to be transferred back to DGS. For this reason, sale of the property is not considered feasible for at least 5 years, and Sacramento State would not contemplate selling the Ramona property due to the conditions described in the property's purchase agreement with DGS. This alternative would not achieve any of the project objectives and the CSU Board of Trustees declines to adopt this alternative.
- Faculty and Staff Housing: The University considered the construction of faculty and staff housing on the Ramona Property after property acquisition and prior to the 2008 recession. Under this alternative, the project site would be developed to include a mixed-use neighborhood that would incorporate a range of residential, retail, and commercial uses as well as small neighborhood parks within the 25-acre project site. However, the 2008 recession caused the University to abandon the housing project. While the project site would be a suitable location for mixed-use residential and commercial development, the City's 2035 General Plan identifies the property and surrounding area for development of employment center uses rather than residential uses. Additionally, the project site was included in the SCI Specific Plan in 2018, which identified the project site and surrounding area as a center for employment and innovation growth. Thus, the proposed faculty and staff housing proposal was no longer deemed a suitable fit for the project site. Furthermore, development of the project site with residential uses would result in potentially greater impacts associated with transportation, utilities, and air quality than the project as currently proposed due to increased population onsite, increased trips to/from the site, and increased utility demands. Because this alternative would not meet most of the project objectives and would not reduce or eliminate environmental impacts relative to The Hub, the CSU Board of Trustees declines to adopt this alternative.
- Student Housing: Under this alternative, Sacramento State would provide up to 500 residential units (approximately 1,300 student beds) for students (graduates and undergraduates) at the project site. This would provide additional housing proximate to campus for approximately 4 percent of student enrollment in fall 2021. The University determined student housing would not be a good fit for the project site for the same reasons potential faculty and staff housing was rejected; residential uses would not be consistent with local planning efforts for the area, nor would it fulfill the objectives of the project. In addition, the project would not provide innovation space proximate to the Sacramento State campus that would allow for additional academic opportunities for students. In addition, student housing would result in potentially greater impacts than the project due to increased trips to/from the site, and increased utility demands. As this alternative would not fulfill the basic project objectives and would be inconsistent with current planning efforts for the site, the CSU Board of Trustees declines to adopt this alternative.
- Sacramento State Academic Buildings: Under the Sacramento State Academic Buildings alternative, the project site would be developed with Sacramento State academic buildings/facilities and would not include non-University tenants. This alternative would allow for greater use of the site for Sacramento State curriculum, programs, and administration. Greater use of the site by Sacramento State students, faculty, and staff would result in increased travel (i.e., local VMT) between the project site and the main campus, which could result in greater transportation impacts related to bicycle and pedestrian safety. The office and academic buildings under this alternative are anticipated to result in onsite population, utility demands, and air quality emissions similar to The Hub. While this alternative would support University academic opportunities, it would not meet the project objectives related to public-private partnerships in research and innovation, supporting local business growth, CMC research and development, and consolidation of CA DOJ space. Further, the Sacramento State Academic Buildings alternative would not meet the City's intent for the project site, as indicated in the SCI Specific plan, to support a mid-rise employment center. Because this alternative would not meet many of the project objectives

and would not reduce or eliminate environmental impacts relative to The Hub, the CSU Board of Trustees declines to adopt this alternative.

- Alternate Site Configurations: Under this alternative, the site would be reconfigured but would include the same primary components (i.e., facilities for DOJ, CMC, and potential academic/mixed-use) as The Hub. The University explored planning the CMC offices, ramp-up facility, and test track in the southern portion of the site and two CA DOJ office buildings in the northwestern portion of the site, with space available for additional users along the northern portion of the site, off Brighton Avenue. This alternative also considered parking space (surface lot and structure[s]) near Ramona Avenue and Brighton Avenue. While this alternative would meet the project objectives and would support CMC, CA DOJ, and future users, it would alter the internal circulation of the site as well as vehicular ingress/egress locations from Ramona Avenue and Brighton Avenue. As described in Chapter 2, "Project Description," the project as currently proposed would enable onsite road alignments to be aligned in the future for potential roadway connections to Power Inn Road to the east and/or Cucamonga Avenue (and ultimately 14th Street) to the south. Although this alternative would allow for the alignment to Power Inn Road, the configuration of buildings and internal roadways under this alternative would not support future connection to Cucamonga Avenue due to the location of CMC and the test track. Because Sacramento State would like to enable potential future connections to Power Inn Road and/or Cucamonga Avenue, this alternative was removed from further consideration. Furthermore, because this alternative would not alter the amount of development, types of uses, or occupancy on the project site, this alternative would not reduce or eliminate environmental impacts relative to The Hub and the CSU Board of Trustees declines to adopt this alternative.

1.3.2 Alternatives Evaluated in the EIR

The Final EIR identified and considered the following reasonable range of feasible alternatives to the proposed project which would be capable, to varying degrees, of reducing identified impacts:

- Alternative 1: No Project–No Development Alternative
- Alternative 2: Reduced Density Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the proposed project as described in the Final EIR. In compliance with CEQA, these Findings examine these two alternatives and the extent to which they lessen or avoid the project's significant environmental effects while meeting the project objectives.

In addressing the No Project Alternative, Sacramento State followed the direction of the State CEQA Guidelines which provide that the no project analysis shall discuss the 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[d][4]).

The CSU Board of Trustees find that a good faith effort was made to evaluate all reasonable alternatives to the project that could feasibly obtain its basic objectives, even when the alternatives might impede the attainment of the objectives or might be more costly. The CSU Board of Trustees also find that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the Final EIR and the ultimate decision on the project.

NO PROJECT–NO DEVELOPMENT ALTERNATIVE

Description

CEQA Guidelines Section 15126.6(e)(1) requires that the "no project" alternative be described and analyzed "to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project." The no project analysis is required to discuss "the existing conditions at the time the notice of preparation is published…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" (Section 15126.6[e][2]). "If the

project is…a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed. In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment" (Section 15126[e][3][B]). Under Alternative 1, the No Project–No Development Alternative, no actions would be taken by Sacramento State and the project site would remain unchanged from current conditions. The Ramona property would remain vacant with paved but undeveloped areas and ruderal vegetation and would remain unused. As previously described above, Sacramento State would not contemplate selling the Ramona property due to the conditions described in the property's purchase agreement with the California Department of General Services (DGS).

Finding

The No Project-No Development Alternative would not accommodate high-skilled technology-related jobs to enhance sustainability within the Sacramento region and beyond, nor would it allow a greater number of residents to live and work in the community (Objective 4). Further, because the project site would remain undeveloped, implementation of Alternative 1 would not allow for development of energy-efficient building design, sustainable design practices within the site, nor would it promote flexibility in project design and implementation to respond to market demand (Objectives 6 and 7). Thus, Alternative 1 would not meet any of the project objectives and would not achieve the underlying project purpose.

The CSU Board of Trustees rejects the No Project-No Development Alternative as undesirable because it would not support public-private partnerships in research and innovation, would not support the academic opportunities at Sacramento State, and would not support CMC or CA DOJ programs (Objectives 1, 2, 3, and 5). Therefore, the CSU Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

REDUCED DENSITY ALTERNATIVE

Description

Under the Reduced Density Alternative, buildout of the project site would involve construction and operation of buildings and site improvements that are proposed for Phase I of The Hub, as described in Chapter 2, "Project Description." Phase I would still include development of the CMC ramp-up facility, CMC showcase building, CA DOJ building as well as the site improvements including roads, pathways, utility connections, parking, and landscaping. However, Phase II of the project, which includes two mixed-use buildings and potential expansion of CMC and CA DOJ, would not be developed. Under Alternative 2, limiting construction to the facilities proposed for Phase I would result in less construction activity, fewer buildings, and fewer site occupants.

Finding

The Reduced Density Alternative would achieve the stated project objectives (Objectives 1-7) similar to the proposed project. However, the Reduced Density Alternative would provide less opportunity to support public-private partnerships in research and innovation, academic opportunities at Sacramento State, and accommodate high-skilled technology-related jobs to enhance sustainability within the Sacramento region (Objectives 1, 4, and 5). Thus, the Reduced Density Alternative would not provide the same level of achievement of the project objectives and would be less effective in supporting the underlying purpose of The Hub (i.e., to create a research and innovation center that provides hands-on learning opportunities for Sacramento State students in technology and forensic science and fosters the incubation of new mobility technologies, the promotion of scientific discoveries, and jobs creation for the local community. The CSU Board of Trustees rejects the Reduced Density Alternative as undesirable because it would provide less opportunity to support public-private partnerships in research and innovation, academic opportunities at

Sacramento State, and accommodate high-skilled technology-related jobs to enhance sustainability within the Sacramento region (Objectives 1, 4, and 5), and declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

1.4 GENERAL CEQA FINDINGS

1.4.1 Mitigation Monitoring and Reporting Program

Based on the entire record before the CSU Board of Trustees and having considered the unavoidable significant impacts of the project, the CSU Board of Trustees hereby determines that all feasible mitigation within the responsibility and jurisdiction of Sacramento State has been adopted to reduce or avoid the potentially significant and 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 Subsections 1.2.3 and 1.2.4, above, and are set forth in the MMRP.

Section 21081.6 of the Public Resources Code requires the CSU Board of Trustees to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for The Hub is hereby adopted by the CSU Board of Trustees because it fulfills the CEQA mitigation monitoring requirements:

- The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and
- Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.

1.4.2 CEQA Guidelines Section 15091 and 15092 Findings

Based on the foregoing findings and the information contained in the administrative record, the CSU Board of Trustees has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

1.4.3 CSU Board of Trustees Independent Judgment

The Final EIR for The Hub reflects the CSU Board of Trustees' independent judgment. The CSU 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 CSU Board of Trustees hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

1.4.4 Nature of Findings

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

1.4.5 Reliance on Record

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

RECORD OF PROCEEDINGS

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

- The NOP (March 22, 2021) for the project and all other public notices issued in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the project (SCH Number 2021030485) dated January 14, 2022 and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The MMRP for the project;
- All findings and resolutions adopted by the CSU Board of Trustees in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the CSU Board of Trustees' action on the project;
- All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;

- Any and all resolutions adopted by the CSU regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- Any other written materials relevant to the CSU Board of Trustees' compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the CSU Board of Trustees non-privileged retained files for the EIR or project;
- Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
- The Notice of Determination.

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

CUSTODIAN OF RECORDS

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

California State University, Sacramento
Planning, Design, & Construction
6000 J Street
Sacramento, CA 95819

RECIRCULATION NOT REQUIRED

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines Section 15088.5(a).) "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

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

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." (CEQA Guidelines Section 15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is "intended to be an

exception rather than the general rule." (*Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1132*.)

In this legal context, the CSU Board of Trustees finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

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

1.5 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The CSU Board of Trustees certifies that the Final EIR, dated May 13, 2022, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the CSU Board of Trustees, and that the Board reviewed and considered the information contained therein before approving The Hub as the project, and that the EIR reflects the independent judgment and analysis of the Board. (CEQA Guidelines Section 15090.)

2 STATEMENT OF OVERRIDING CONSIDERATIONS

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

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. (See *Towards Responsibility in Planning v. City Council (1988) 200 Cal App. 3d 671; Dusek v. Redevelopment Agency (1985) 173 Cal App. 3d 1029; City of Poway v City of San Diego (1984) 155 Cal App. 3d 1037; Markley v. City Council (1982) 131 Cal App.3d 656*.) In accordance with the requirements of CEQA and the CEQA Guidelines, the CSU Board of Trustees finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen many of the significant effects identified in the Final EIR for the proposed The Hub, Sacramento State Research Park project (hereinafter, The Hub or project). However, certain significant impacts of The Hub are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to greenhouse gas emissions and climate change as well as transportation. The Final EIR provides detailed information regarding these impacts (see Section 1.2.4 Significant Impacts that Cannot Be Mitigated Below A Level of Significance).

The CSU Board of Trustees finds that all feasible mitigation measures identified in the Final EIR within the purview of Sacramento State will be implemented with implementation of The Hub, 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. The Hub will provide public and private partnerships in research and innovation that support the academic curriculum at Sacramento State and provides student internships and other hands-on learning opportunities.
2. The Hub will optimize use of a CSU-owned underutilized infill location, within the City of Sacramento, and proximate to the Sacramento State main campus and public transportation.
3. The Hub will result in a facility that supports CMC research and development and provides opportunities for direct student involvement in autonomous electric vehicle manufacturing and testing.
4. The Hub will provide for direct student involvement in criminal justice and forensics investigations and consolidate CA DOJ programs and research.
5. The Hub will enhance opportunities for collaboration between the University and startup businesses, which would accommodate high-skilled technology-related jobs, reduce loss of intellectual capital and revenue to enhance sustainability within the Sacramento region and beyond, and allow a greater number of residents to live and work in the community;
6. The Hub will implement energy-efficiency measures, onsite energy generation (solar), low-water use, and high-quality construction, consistent with CSU sustainable design practices.

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