

CEQA Findings of Fact and
Statement of Overriding
Considerations for the

Student Housing Project

Prepared for:



California State Polytechnic University, Humboldt
Planning, Design, & Construction

January 2023



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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 Student Housing Project (the project) located in the City of Arcata, on the northeast edge of the Sunset Neighborhood, near the intersection of St. Louis Road and the US Highway 101 (US 101) overcrossing. 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 project. 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 project 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.

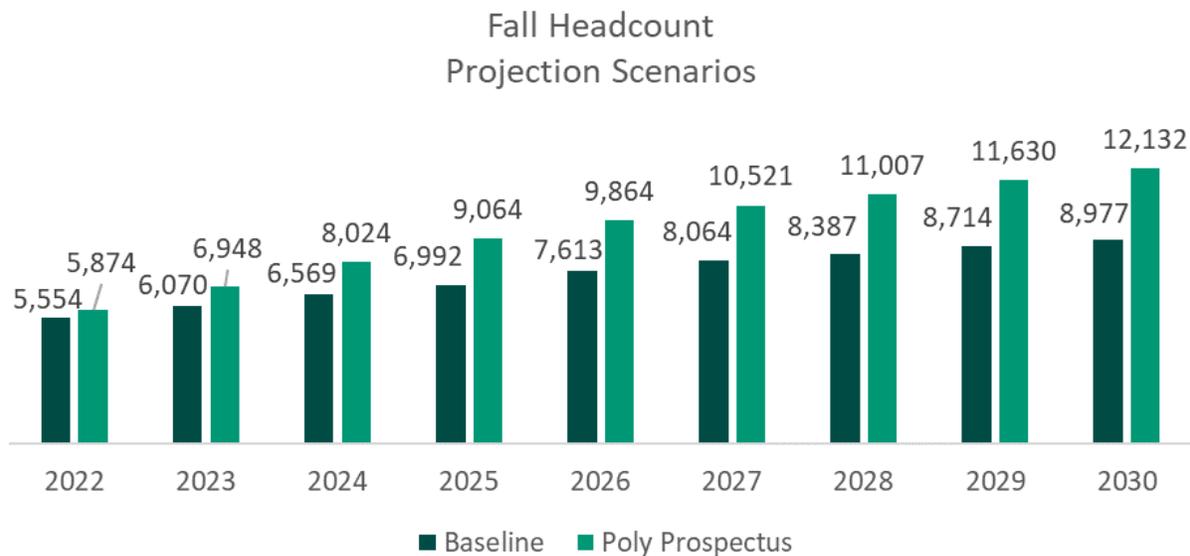
Chapter 2 contains the Statement of Overriding Considerations providing the CSU Board of Trustees' views on the balance between the project's significant environmental effects and the merits and objectives of the project.

1.1.3 Project Purpose

As of the 2022-2023 academic year, Cal Poly Humboldt has a student enrollment of approximately 5,900 full-time equivalent students (FTES) and a design capacity of approximately 2,100 beds (as of 2020) for students on its main campus in Arcata. Freshman housing includes the campus's Hill Complex, Canyon Residences, and Cypress Residence Hall, and sophomores and upper division student housing includes the College Creek Apartments, Creekview Complex, and Campus Apartments. Cal Poly Humboldt is also providing temporary student housing for academic years 2022-2023 and 2023-2024 through a short-term lease at the Comfort Inn, approximately 3 miles from the main campus, but this is not a permanent student housing solution.

Currently, approximately 70 percent of Cal Poly Humboldt students reside in off-campus, non-university housing, and most of those students live within the City of Arcata or elsewhere within the county. More specifically, Cal Poly Humboldt (as of fall 2022) houses 2,044 students on-campus while approximately 3,900 students reside off campus in the City or other areas of the County.

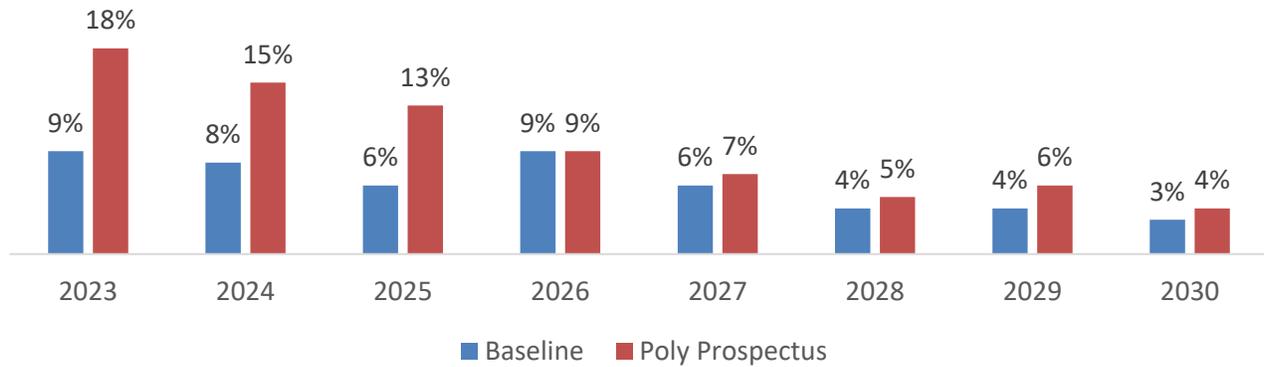
In early 2022, the campus was designated as a California State Polytechnic University (Cal Poly). The addition of a Cal Poly campus to the State allows the CSU System to rapidly meet student demand for more programs and hands-on learning offered by polytechnic institutions. It also helps California to retain more students who are pursuing Science, Technology, Engineering and Math (STEM) programs at universities within California and across the United States. As part of the process to become a Cal Poly, an analysis of the existing strengths and opportunities for growth was provided to the Chancellor as part of the campus’ Polytechnic Prospectus report prepared in Fall 2021. This report indicated an expected enrollment increases of 50 percent within three years and 100 percent within seven years. These anticipated enrollment increases guide capital planning decisions for housing and other campus physical planning. As shown in the figures below, the projections developed prior to the Cal Poly designation (baseline) result in a lower projected enrollment rate than with the Cal Poly designation, per the Polytechnic Prospectus report (Poly Prospectus). Overall, as a Cal Poly the campus is projected to experience high near-term enrollment increases that slow towards the end of this decade (see Figures 1 and 2 below). In terms of FTES, campus is projected to increase to 10,292 FTES by the 2030-2031 academic year, which is within the projection (12,000 FTES) identified for the current Campus Master Plan for Cal Poly Humboldt. Further, in terms of application rates, the projections for the campus are consistent with current application receipts. As of December 13, 2022, Cal Poly Humboldt received 17,317 applications for Fall 2023. This number of applications reflects an increase of 111 percent from Fall 2022, with a 124 percent increase in first-time undergraduates.



Source: California State University, Humboldt. 2021. Polytechnic Prospectus.

Figure 1: Fall Headcount Projection Scenarios from 2023 – 2030 (January 2022 forecast)

Fall Headcount Percentage Change by Scenario



Source: California State University, Humboldt. 2021. Polytechnic Prospectus.

Figure 2: Fall Headcount Percentage Change by Scenario from 2023 – 2030 (Jan. 2022 forecast)

As noted above, on-campus housing for the existing student body is limited. As shown in Table 1, below, the proposed project would contribute a substantial number of new beds to campus. This would reduce the housing demands on the City and surrounding communities, where the majority of students currently reside. The potential to provide housing projects of a similar size to the proposed project on-campus are limited due to space constraints (see the discussion of an on-campus alternative in Chapter 5, “Alternatives” of the EIR).

Table 1

Location	Unit Type	Student Bed Count	Year Built
Creekview	Apartments	135	1995
Creekview	Suites	136	
Campus Apartments	Apartments	202	2008
College Creek	Apartments	453	2010
Cypress	Suites	226	1973
The Hill (Redwood and Sunset halls)	Traditional Residence Hall	444	1959
Canyon	Traditional Residence Hall	437	1968
Proposed Project	Apartments	964	2025
Total Existing Student Bed Count		2,997	

As part of ongoing campus planning efforts, other developable areas of campus are also being considered for additional student housing or essential academic/administrative programming space in the future. For example, new on campus housing is proposed for two new locations– Housing/Dining/Health building (approximately 650 beds located north of the library), and Engineering and Tech (approximately 250 beds located within the central campus.) However, even with the proposed project additional housing is needed to support the projected enrollment increase, which is anticipated to double through the next decade (see Figure 1). Consequently, additional student housing on university property at or near the main campus in the near term is needed to support future enrollment projections.

1.1.4 Summary of Project Description

The 12.8-acre project site is located in the City of Arcata on the northeast edge of the Sunset Neighborhood, near the intersection of the St. Louis Road and US Highway 101 (US 101) overcrossing. The project site is approximately 0.5 mile northwest of the Cal Poly Humboldt main campus and is bordered by US 101 to the east, single-family residences to the south and west, the Janes Creek Meadows riparian wetlands and grasslands to the northwest, St. Louis Road to the north, and the Mad River Lumber Company to the northeast. The project site was used as a lumber mill until the 1970s. Since that time, the site has retained two of the former mill structures and provided leasable workspace and storage opportunities for the local community and businesses. In 2017 and prior to acquisition of the property by the Humboldt State University Foundation, a private developer proposed development of the project site with a 700-bed student housing project. A Draft EIR was issued in 2017, followed by a Final EIR in May 2018. The EIR was not certified, and the project was not approved. The private developer ultimately withdrew the application for development from the City in 2019.

The project would provide up to 964 student beds in approximately 240 apartment-style, student-residence units for undergraduate and graduate students attending Cal Poly Humboldt. The proposed units would be distributed within two buildings located central to the project site. The proposed buildings would provide a variety of student housing within two-, three-, and four-bedroom apartment units, with the majority being two-bedroom/two-bath units. On-site amenities to be included as part of the project include a fitness room, common lounge spaces, study spaces, computer rooms, television rooms, a café/market, conference rooms, and indoor bicycle parking. Exterior site features would include green space, recreational facilities (e.g., multifunction, pickleball, and/or volleyball court[s]), outdoor cooking amenities (e.g., barbecue area for on-site residents), and appropriate hardscapes (i.e., paths between various on-site features, including buildings and parking). Additionally, the project would include 340 single-occupancy vehicle parking spaces and additional bicycle parking (covered).

Cal Poly Humboldt aims to exceed the energy efficiency and sustainability requirements of both the California Green Building Standards Code (CalGreen) and California Energy Code. The development, as a whole, would achieve Leadership in Energy and Environmental Design (LEED) v4 Silver certification. Proposed project sustainability features include high-efficiency irrigation for landscaping, water-efficient plumbing, energy-efficient and CalGreen-compliant lighting and appliances, and durable exterior building materials such as concrete/masonry walls. Energy Star office equipment, energy-efficient computer monitors, and LED (light-emitting diode) lighting and lighting controls would be used throughout the buildings to achieve the energy goals. In addition, the project would encourage on-site solar energy production through the provision of space for photovoltaic solar panels (i.e., PV-ready) on rooftops, consistent with the CSU Sustainability Policy, and plantings and structures that provide shade for parking, pedestrian paths, and/or gathering areas. The project would also provide electric vehicle-ready (EV-ready) parking spaces equivalent to 10% of the total on-site parking provided.

1.1.5 Project Objectives

The underlying purpose of the Student Housing Project is to provide additional student housing proximate to campus and reduce the student housing burden in the local community. The objectives of the project are to:

1. provide additional housing near existing and planned mobility infrastructure (i.e., pedestrian and bicycle facilities and transit) to reduce vehicle trips, vehicle miles travelled, and parking demand;
2. provide student housing opportunities on Cal Poly Humboldt property to promote student enrollment and address current housing needs. In addition, provide housing opportunities and complementary services that may be offered to nontraditional students such as graduate students and veterans;
3. support and advance Cal Poly Humboldt's educational mission by guiding the physical development of housing proximate to campus to accommodate gradual student enrollment growth up to a future enrollment of 12,000 full-time-equivalent students per the 2004 Master Plan while preserving and enhancing the quality of campus life;
4. optimize an underutilized infill location within the City of Arcata and proximate to Cal Poly Humboldt;

5. provide housing density adjacent to Cal Poly Humboldt and the downtown area of the City of Arcata to reduce vehicle trips, vehicle miles travelled, and parking demand within campus and the downtown area;
6. minimize building footprints to preserve as much of the site as possible for the creation of open space and landscaped setbacks from surrounding roadways and residential uses;
7. contribute to the overall character and livability of the surrounding neighborhood and Cal Poly Humboldt by facilitating the reuse of property in a manner that enhances the visibility and aesthetic appeal of the city from US 101 and surrounding local roadways and that enhances circulation within the city and to Cal Poly Humboldt;
8. minimize impacts to on-site vegetation and potentially sensitive biological resources;
9. provide energy-efficient building design, low-water use indoor and outdoor design, and high-quality construction by incorporating national, state, and/or local sustainable design practices; and
10. advance campus-wide environmental sustainability and make progress toward goals of carbon neutrality and climate resilience.

1.1.6 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), Cal Poly Humboldt issued a notice of preparation (NOP) on March 1, 2022. Cal Poly Humboldt circulated the NOP to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the project. The NOP was also posted to the State Clearinghouse (State Clearinghouse No. 2022030008) and to Cal Poly Humboldt's website (<https://facilitymgmt.humboldt.edu/student-housing>). A virtual public scoping meeting was conducted by Cal Poly Humboldt on March 16, 2022, and public review ended on March 31, 2022.

As a result of continued planning and refinement of the design of the project, the size of the project was increased from the original 850 student beds (as identified in the March 2022 NOP) and included additional parcels along St. Louis Road. As a result, the NOP was reissued on June 28, 2022, and the 30-day public review period ended on July 27, 2022. A second virtual public scoping meeting was held on June 28, 2022.

In addition, Cal Poly Humboldt has made a substantial effort to coordinate with other interested parties. These efforts include on-going engagement with City of Arcata staff and community groups, as well as conversations between the Cal Poly Humboldt Associate Vice President of Facilities and nearby residents. Cal Poly Humboldt has also coordinated and continues to coordinate with AFD regarding fire protection services for the project site, including discussions related to project components, project status, existing service agreements between the two entities, and site access adequacy. Finally, staff at Cal Poly Humboldt will hold meetings at the Arcata Planning Commission to discuss campus projects in general.

DRAFT EIR

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

- ▶ Aesthetics;
- ▶ Air Quality;
- ▶ Archaeological, Historical, and Tribal Cultural Resources;
- ▶ Biological Resources;
- ▶ Energy;
- ▶ Greenhouse Gas Emissions;

- ▶ Land Use and Planning;
- ▶ Noise;
- ▶ Population and Housing;
- ▶ Public Services and Recreation;
- ▶ Transportation; and
- ▶ Utilities and Service Systems.

Cal Poly Humboldt published the Draft EIR for public and agency review on October 20, 2022 for a 45-day public review period that ended on December 5, 2022. A virtual public meeting, during which written and verbal comments were received, was held on November 15, 2022. The Draft EIR was posted and remains accessible online at <https://facilitymgmt.humboldt.edu/student-housing> and with the State Clearinghouse.

During the Draft EIR public review period, Cal Poly Humboldt received 7 comment letters and heard verbal comments during the public meeting. All written and verbal comments were reviewed and included as part of the Final EIR in Appendix G, and responses to comments relevant to CEQA were provided in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132). A brief summary of comments received is provided below. None of the comments warranted substantive changes to the Draft EIR.

Aesthetics. The Coalition for Responsible Transportation Priorities objected to the Draft EIR's conclusion of significant and unavoidable adverse aesthetic impacts, stating that the project would improve the aesthetic condition of the project site. The response noted that while the project would improve much of the project site through the demolition of dilapidated structures, it would introduce urban, mid-rise development in an area otherwise characterized by low-rise residential uses and would modify views from US 101, an eligible scenic highway, and nearby residential neighborhoods and parks. The response clarified the conclusions of the Draft EIR.

Energy. The Coalition for Responsible Transportation Priorities requested consideration of on-site photovoltaic panels and electric vehicle charging equipment. The response noted that the project would encourage on-site solar energy production through the provision of space for photovoltaic solar panels on rooftops and would provide electric vehicle-ready (EV-ready) parking spaces equivalent to 10% of the total on-site parking provided.

Hazards and Hazardous Materials. The State Department of Toxic Substances Control (DTSC) comments noted that prior lumber mill operations on the site could have resulted in hazardous materials releases. The response noted that page 3-3 of the Draft EIR states that the project site was evaluated for potential hazardous materials impacts through preparation of Phase I and Phase II Environmental Site Assessments, and the Draft EIR confirmed that any potential contamination at the project site as a result of historic uses has been appropriately addressed and remediated.

Hydrology. Comments regarding hydrology were received from Caltrans related to the potential for increased storm water flow volumes to discharge towards US 101. The response explained how storm water flows would be managed on-site and generally discharge to existing City infrastructure on the western side of the project site.

Population and Housing. The Arcata Fire District (AFD) expressed concerns about statements in the Draft EIR regarding how and where campus growth assumptions were considered, and whether the City of Arcata's official projections as provided to the Humboldt County Association of Governments accounted for future campus growth and impacts on housing availability. The response noted that the Draft EIR explained how the City of Arcata Housing Element considered the 2004 Campus Master Plan and cited input from the CSU Chancellor's Office and Cal Poly Humboldt regarding historic student enrollment and student demographic profiles. Accordingly, the City's growth projections, inclusive of future growth of Cal Poly Humboldt, are considered as part of HCAOG's regional planning efforts.

Public Services. AFD expressed support for Cal Poly Humboldt's transition to a polytechnic university and its plans to increase enrollment and increase the proportion of on-campus housing, but expressed concern that potentially significant impacts on fire protection services, including insufficient staffing and the lack of adequate specialized training for fires in large structures, should have been identified. Staffing and specialized training shortfalls are not CEQA impacts; the relevant CEQA threshold asks whether a project would result in the need for new/expanded facilities, the construction of which would result in significant environmental impacts. The Draft EIR determined that no need for the construction of new fire station facilities would occur as a result of project implementation. The response to AFD's comments also cited past and ongoing coordination between Cal Poly Humboldt and AFD to solicit AFD input into project design and Draft EIR analysis.

Transportation. Caltrans concurred with the Draft EIR's VMT-related (vehicle miles traveled) determinations and offered to coordinate with Cal Poly Humboldt and its external partners to further manage VMT and multimodal travel in the project area. Caltrans also provided optional, non-CEQA-required recommendations for the project and future campus expansion.

The Coalition for Responsible Transportation Priorities requested several clarifications of statements made in the Draft EIR regarding appropriate VMT thresholds. The Final EIR clarifies the methodology and reasoning behind the thresholds selected for the project, including adherence to OPR's Technical Advisory documents. The comment letter also requested additional detail regarding on-site circulation improvements and signage for bicyclists and pedestrians, which are shown (to the extent currently identified in the project design) in Chapter 2 of the Draft EIR. Mitigation Measure 3.11-3 was slightly modified in the Final EIR in response to the comment to more clearly identify pedestrian and bicycle improvements along St. Louis Road.

Members of the community, in letters and public meeting comments, expressed concern regarding transportation safety and student routes to the Cal Poly Humboldt campus. The Final EIR response to these comments clarifies the two primary routes for pedestrians and bicyclists to and from the campus, as stated in the Draft EIR.

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 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 January 13, 2023 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://facilitymgmt.humboldt.edu/student-housing>.

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 project was determined to result in no potentially significant impacts related to the following issues, which were therefore, not discussed in detail in the EIR:

- ▶ **Agricultural Resources:** The project 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 project would not conflict with existing agricultural zoning for agricultural use or a Williamson Act contract.
- ▶ Agricultural Resources: The project would not conflict with existing zoning for, or cause rezoning of, forestland or timberland.
- ▶ Agricultural Resources: The project would not result in the loss of forest land or conversion of forest land to non-forest use.
- ▶ Agricultural Resources: The project 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.
- ▶ Archeological, Historical, and Tribal Cultural Resources: The project would not cause a significant adverse change in the significance of a historical resource pursuant to §15064.5.
- ▶ Biological Resources: The project would not conflict with any applicable local policies or ordinances protecting biological resources.
- ▶ Biological Resources: The project would not conflict with the provisions of an applicable adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- ▶ Geology and Soils: The project 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 project 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 project would not be located on expansive soil.
- ▶ Geology and Soils: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.
- ▶ Geology and Soils: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- ▶ Hazards and Hazardous Materials: The project 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 project 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 project 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 project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- ▶ Hazards and Hazardous Materials: The project 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 project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

- ▶ Hydrology and Water Quality: The project 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 project 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 project 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 project 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 project 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 project would result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
- ▶ Hydrology and Water Quality: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- ▶ Land Use and Planning: The project would not physically divide an established community.
- ▶ Mineral Resources: The project 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 project 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 project would not expose people residing or working in the project area to excessive noise levels associated with a private airstrip or airport.
- ▶ Population and Housing: The project would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.
- ▶ Public Services: The project would not result in need for new or physically altered schools, the construction of which could cause significant environmental impacts.
- ▶ Wildfire: The project would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- ▶ Wildfire: The project 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 project 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 project 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):

AIR QUALITY

The project-related air quality impacts are evaluated in Section 3.2, "Air Quality," of the Final EIR. Implementation of the project would not result in significant impacts related to conflicts with or obstructing implementation of an applicable air quality plan (**Impact 3.2-1**); exposure of sensitive receptors to substantial pollutant concentrations (**Impact 3.2-3**); or result in other emissions adversely affecting a substantial number of people (**Impact 3.2-4**).

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, exposure of sensitive receptors to substantial pollutant concentrations, or result in other emissions adversely 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 project is not expected to result in significant impacts related to disturbance of human remains (**Impact 3.3-3**).

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 tribal cultural resources are less than significant, and no mitigation measures are required.

BIOLOGICAL RESOURCES

An evaluation of the project's biological resources impacts is found in Section 3.4, "Biological Resources," of the Final EIR. Implementation of the project is not expected to result in significant impacts related to the degradation or loss of riparian habitat or other sensitive natural communities (**Impact 3.4-3**); degradation or loss of state or federally protected wetlands (**Impact 3.4-4**); interference with important wildlife movement corridors and nursery sites (**Impact 3.4-5**); or substantially reducing the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal (**Impact 3.4-6**).

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 the degradation or loss of riparian habitat or other sensitive natural communities, degradation or loss of state or federally protected wetlands, interference with important wildlife movement corridors and nursery sites, or substantially reducing the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal 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 project 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 the project 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.

GREENHOUSE GAS EMISSIONS

An evaluation of the impacts of the project related to greenhouse gas emissions is found in Section 3.6, "Greenhouse Gas Emissions," of the Final EIR. Implementation of the project would not result in significant impact related to the generation of greenhouse gas (GHG) emissions that may have a significant impact on the environment (**Impact 3.6-1**), and the project would conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs (**Impact 3.6-2**).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to the generation of GHG emissions that may have a significant impact on the environment, or the conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs are less than significant, and no mitigation measures are required.

LAND USE AND PLANNING

An evaluation of the impacts of the project related to land use and planning is found in Section 3.7, "Land Use and Planning," of the Final EIR. Implementation of the project would not result in significant impact related to creating a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (**Impact 3.7-1**).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to creating a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect are 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 project would not result in significant impacts related to substantial temporary construction vibration levels (**Impact 3.8-2**); generation of substantial increases in long-term traffic noise levels (**Impact 3.8-3**); or substantial long-term increases in stationary noise (**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 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.

POPULATION AND HOUSING

An evaluation of the project's noise impacts is found in Section 3.9, "Population and Housing," of the Final EIR. Implementation of the project would not result in significant impacts related to directly or indirectly inducing substantial unplanned population growth and housing demand (**Impact 3.9-1**).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to directly or indirectly inducing substantial unplanned population growth and housing demand are less than significant, and no mitigation measures are required.

PUBLIC SERVICES AND RECREATION

An evaluation of the project's noise impacts is found in Section 3.10, "Public Services and Recreation," of the Final EIR. Implementation of the project would not result in significant impacts related to the result in substantial adverse physical construction-related impacts associated with the provision of or the need for new or physically altered fire facilities to maintain acceptable service ratios (**Impact 3.10-1**); the result in substantial adverse physical construction-related impacts associated with the provision of or the need for new or physically altered police facilities, to maintain acceptable service ratios (**Impact 3.10-2**); or the result in substantial deterioration of neighborhood and regional parks, or require construction or expansion of recreational facilities (**Impact 3.10-3**).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the result in substantial adverse physical construction-related impacts associated with the provision of or the need for new or physically altered fire facilities to maintain acceptable service ratios, the result in substantial adverse physical construction-related impacts associated with the provision of or the need for new or physically altered police facilities, to maintain acceptable service ratios, or the result in substantial deterioration of neighborhood and regional parks, or require construction or expansion of recreational facilities are less than significant, and no mitigation measures are required.

TRANSPORTATION

An evaluation of the project's noise impacts is found in Section 3.11, "Transportation," of the Final EIR. Implementation of the project would not result in significant impacts related to the conflict or inconsistency with CEQA Section 15064.3, subdivision (b) regarding vehicle miles traveled (**Impact 3.11-2**); or result in inadequate emergency access (**Impact 3.11-4**).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the conflict or inconsistency with CEQA Section 15064.3, subdivision (b) regarding vehicle miles traveled, or result in inadequate emergency access 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 3.12, "Utilities and Service Systems," of the Final EIR. Implementation of the project would not result in significant impacts related to insufficient water supplies available to serve the project (**Impact 3.12-1**); relocation or construction of new or expanded water infrastructure (**Impact 3.12-2**); generation of solid waste in excess of state or local standards or capacity of local infrastructure (**Impact 3.12-5**); or relocation or construction of new or expanded electricity, natural gas, or telecommunications facilities (**Impact 3.12-6**).

Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the impacts related to the project's potential to insufficient water supplies available to serve the project, relocate or construct new or expanded water infrastructure, generate solid waste in excess of state or local standards or the capacity of local infrastructure, or relocation or construction of new or expanded electricity, natural gas, or telecommunications facilities 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.

AESTHETICS

An evaluation of the project's impacts related to aesthetics is found in Section 3.1, "Aesthetics," of the Final EIR. Implementation of the project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (**Impact 3.1-4**). Specifically, project lighting would have spillover effects to adjacent residential land uses along the western and southern boundaries of the project site that are sensitive to nighttime lighting. Cal Poly Humboldt shall implement the following mitigation measure to avoid or reduce the environmental effects of the project on aesthetics.

Mitigation Measure 3.1-4: Reduce Light Pollution from Exterior Lighting

During project design and construction, Cal Poly Humboldt shall ensure that the following requirements are implemented as part of construction and prior to operation:

- ▶ Outdoor light fixtures, including temporary fixtures used during construction, that are not attached or interior to a building shall be limited to a maximum height of 14 feet;
- ▶ Outdoor lighting shall utilize energy-efficient fixtures and lamps and motion sensors and/or daylight sensors;
- ▶ Outdoor lighting fixtures, including temporary fixtures used during construction, shall be shielded or recessed to reduce light spillover to adjoining properties;
- ▶ Each light fixture shall be directed downward and away from adjoining private properties and Janes Creek, so that no on-site light fixture directly illuminates an area off the site;
- ▶ No lighting on private property shall produce an illumination level greater than 1 foot-candle on any property within a residential zoning district except on the site of the light source;
- ▶ No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness; and
- ▶ An exterior barrier/fence shall be installed along the project site's southern boundary and along the western edge of the proposed parking lot that shall prevent headlights from on-site vehicles from directly illuminating off-site residences.

Finding

The CSU Board of Trustees finds that Mitigation Measure 3.1-4 is feasible, will reduce the potentially significant aesthetics impacts of the project to a less-than-significant level, and is adopted by the CSU Board of Trustees. This mitigation measure requires Cal Poly Humboldt to implement design requirements into the project that would reduce light and glare. 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 3.1-4**).

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 project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (**Impact 3.2-2**).

Cal Poly Humboldt shall implement the following mitigation measure to avoid or reduce the environmental effects of the project on air quality.

Mitigation Measure 3.2-2: Use Low VOC Coatings During Construction

To reduce VOC emissions during construction activities involving application of coatings, Cal Poly Humboldt shall require that construction contractor to use low-VOC coatings that have a VOC content of 10 g/L or less during all phases of construction.

Finding

The CSU Board of Trustees finds that Mitigation Measure 3.2-2 is feasible and will reduce the potentially significant air quality impacts related impacts of the project to a less-than-significant level. The CSU Board of Trustees adopts this mitigation measures. This mitigation measure requires the construction contractor to use low-VOC architectural coatings. 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 3.3, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. Earthmoving activities associated with project construction could cause a substantial adverse change in the significance of an archaeological resource (**Impact 3.3-1**); and could cause a substantial adverse change in the significance of a tribal cultural resource (**Impact 3.3-2**). Cal Poly Humboldt shall implement the following mitigation measure to avoid or reduce the environmental effects of the project on archaeological and tribal cultural resources.

Mitigation Measure 3.3-1: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

Prior to the start of any ground disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall be retained to develop a construction worker awareness brochure. This brochure shall be distributed to all construction personnel and supervisors who may have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program shall include, at a minimum:

- ▶ Types of cultural resources expected in the project area;
- ▶ What to do if a worker encounters a possible resource;
- ▶ What to do if a worker encounters bones or possible bones; and
- ▶ Penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act.

If any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, Cal Poly Humboldt shall contact the appropriate California Native American tribes. A tribal representative from a California Native American tribe that is traditionally and culturally affiliated with the project area may make recommendations for further evaluation and treatment as necessary and provide input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist or the tribal representative (i.e., because it is determined to constitute a unique archaeological resource or a tribal cultural resource, as appropriate), the archaeologist and tribal representative, as appropriate, shall develop, and Cal Poly Humboldt shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures may include but would not necessarily be limited to preservation in place (which shall be the

preferred manner of mitigating impacts on archaeological and tribal sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan). No work at the discovery location (i.e., within 100 feet of the discovered resource[s] unless a lesser buffer distance is determined appropriate by a qualified professional archaeologist) shall resume until necessary investigation, evaluation, and protection of the resource has been conducted.

Mitigation Measure 3.3-2: Implement Mitigation Measure 3.3-1

Finding

The CSU Board of Trustees finds that Mitigation Measures 3.3-1 and 3.3-2 are feasible and, will reduce the potentially significant archaeological and tribal cultural resources impacts of the project to a less-than-significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require 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. 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 3.3-1 and 3.3-2).

BIOLOGICAL RESOURCES

An evaluation of the potential biological resource impacts of the project is provided in Section 3.4, "Biological Resources," of the Final EIR. Implementation of the project would have a substantial adverse effect, either directly or through habitat modifications, on special-status amphibians (**Impact 3.4-1**); and would have a substantial adverse effect, either directly or through habitat modifications, on special-status birds (**Impact 3.4-2**). Cal Poly Humboldt shall implement the following mitigation measures to avoid or reduce the environmental effects of the project on biological resources.

Mitigation 3.4-1: Northern Red-Legged Frog

A preconstruction survey shall be conducted for northern red-legged frog within 48 hours of planned ground disturbance. A report summarizing the results of the survey shall be prepared and submitted to the City of Arcata Community Development Department.

If the surveys are negative, no additional mitigation is required. Because this is a mobile species, a biological monitor shall be present during initial grading and a worker environmental awareness training shall be conducted with construction personnel to educate them on northern red-legged frog, their protective status (species of special concern), and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. The training shall include steps to be taken should northern red-legged frog be observed on the construction site, including allowing the individual to leave the project site on its own accord.

If the survey is positive, a qualified biological monitor with a northern red-legged frog Scientific Collecting Permit, shall be retained to be present during initial grading to monitor activities. The biological monitor shall be authorized to move individual northern red-legged frogs out of harm's way if individual frogs do not move on their own.

Mitigation 3.4-2: White-tailed Kite and Other Nesting Birds

If construction activities occur within the raptor nesting season (February 1 through August 31), a pre-project nesting raptor survey shall be conducted within the project footprint and a 0.25-mile buffer for white-tailed kite and 500-foot buffer for other nesting birds no more than 14 days prior the start of ground disturbing activities or vegetation removal. Adjacent parcels under different land ownership shall be surveyed from public access areas (i.e., streets, trails, etc.) unless access is specifically granted. If construction activities lapse for more than two weeks during the breeding season, a follow up nesting bird survey shall be required. If no active nests are found, no further mitigation is required.

If an active nest is detected during the nesting bird survey, avoidance buffers shall be implemented as determined by a qualified biologist, except for white-tailed kite, which should remain at 0.25-mile buffer. The buffer for other nesting birds shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography,

ambient conditions, species, nest location, and activity type. Monitoring of the nest by a qualified biologist during construction activities shall be required if the activity has the potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

If work within the designated 0.25-mile no-activity zone for nesting white-tailed kite cannot be delayed, a wildlife biologist with verifiable experience with white-tailed kite behavior shall evaluate site-specific conditions and, in consultation with CDFW, recommend a smaller buffer (if possible) that minimizes the potential to disturb the white-tailed kites (and is deemed to still allow reproductive success during the breeding season). The site-specific buffer shall consider the type and extent of the proposed activity occurring near the nest, the duration and timing of the activity, the sensitivity and habituation of the kites, and the dissimilarity of the proposed activity to background activities. Additional measures may be identified by the wildlife biologist or CDFW including regular monitoring of the kite nest by a qualified biologist, modified construction activity schedule in proximity to the kite nest.

Finding

The CSU Board of Trustees finds that Mitigation Measures 3.4-1 and 3.4-2 are feasible and will reduce the potentially significant biological resources impacts of the project to a less-than-significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require Cal Poly Humboldt to implement preconstruction surveys for northern red-legged frogs and pre-project nesting raptor surveys for white-tailed kites and other nesting birds. 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 3.4-1 and 3.4-2).

TRANSPORTATION

An evaluation of potential impacts on transportation from implementation of the project is provided in Section 3.11, "Transportation," of the Final EIR. The project would conflict with CSU policies that promote the use of bicycling and walking travel to and from campus (**Impact 3.11-1**); and could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (**Impact 3.11-3**). Cal Poly Humboldt shall implement the following mitigation measure to avoid or reduce the environmental effects of the project related to transportation.

Mitigation Measure 3.11-1: Provide Pedestrian Facilities along St. Louis Road

Cal Poly Humboldt, in cooperation with the City of Arcata, shall provide a sidewalk and adequate striping for bicycles that connects the northern access road for the project to the US 101 overcrossing and the rest of the pedestrian circulation system. The sidewalk and bicycle connections shall be built on the east side of St. Louis Road with appropriate crossing provided along St. Louis Road. There is adequate right-of-way available to complete the sidewalk gaps along the roadway. The design of the off-site pedestrian and bicycle improvements shall be consistent with City design standards. The sidewalk and bicycle improvements shall be completed prior to occupancy of the project.

Mitigation Measure 3.11-3: Provide Pedestrian and Bicycle Safety Improvements

The contractor shall implement pedestrian and bicycle safety improvements to enhance visibility and connectivity between pedestrian and bicycle networks in the vicinity of the project site. All improvements shall be consistent with City design standards. The following facilities, as identified in the Transportation Analysis Memo, shall be incorporated into the final design of the project:

- ▶ Provide high-visibility crossings by using patterns or raised crossings at the proposed northern access road and eastern driveway (at the points of connection with the Annie & Mary Rail Trail); and
- ▶ Add pedestrian crossing signage along the eastern driveway of the project.

Finding

The CSU Board of Trustees finds that Mitigation Measures 3.11-1 and 3.11-3 are feasible and will reduce the significant transportation impacts of the project to a less-than-significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require Cal Poly Humboldt to construct a sidewalk connection and implement pedestrian and bicycle safety improvements. 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 3.11-1 and 3.11-3).

UTILITIES AND SERVICE SYSTEMS

An evaluation of potential impacts on utilities and service systems from implementation of the project is provided in Section 3.12, "Utilities and Service Systems," of the Final EIR. Implementation of the project would require or result in the relocation or construction of new or expanded wastewater collection and treatment infrastructure (**Impact 3.12-3**); and would require or result in the relocation or construction of new or expanded stormwater drainage facilities (**Impact 3.12-4**). Cal Poly Humboldt shall implement the following mitigation measure to avoid or reduce the environmental effects of the project related to utilities and service systems.

Mitigation Measure 3.12-3: Verification and Potential Upsizing of Sewer Connection

Prior to initiation of construction, Cal Poly Humboldt shall coordinate with the City of Arcata and conduct a refined engineering analysis, including flow monitoring, of the existing sewer lines between the project site and the existing 10-inch sewer line located at Janes Creek and Acheson Way to confirm adequate flow capacity. If determined necessary, Cal Poly Humboldt shall replace the existing 8-inch sewer line that extends from the project site with a 10-inch pipe. Should additional sewer pipe upsizing be deemed necessary through coordination with the City, Cal Poly Humboldt shall replace those pipes before occupancy of on-site uses.

Mitigation Measure 3.12-4: Verification and Design of Stormwater Infrastructure

Before any construction-related ground disturbance, Cal Poly Humboldt shall complete final drainage plans, which shall be reviewed with the City with respect to the potential connection to City stormwater infrastructure. Plans shall demonstrate that all runoff shall be appropriately conveyed through the project site and not leave the site at rates exceeding pre-project runoff conditions. The drainage design for the contemplated development shall limit the 10-year and 100-year peak runoff from the project site to no more than pre-project conditions. The plan shall include, but not be limited to, the following items:

- ▶ An accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff;
- ▶ A description of the proposed maintenance program for the on-site drainage system; project-specific standards for installing drainage systems; and
- ▶ The final drainage plan shall meet the necessary requirements, which requires that 100-year flood flows be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the project site do not occur.

New storm drainage facilities shall be constructed in accordance with the final drainage plans, and existing facilities reconfigured in order to accommodate increased surface flows associated with the project's increase in impervious surfaces. Final project design shall incorporate design features that shall minimize flood risk by controlling the anticipated increase in flow and stormwater runoff and reduce off-site runoff to rates not exceeding pre-project conditions.

New detention basins or ponds shall temporarily detain stormwater runoff to allow sediment and other pollutants to settle and prevent them from flowing directly into receiving water bodies. The facilities shall adhere to the requirements of the existing NPDES permit, including the associated monitoring and reporting program. However, expanded or entirely new detention basins may need to be constructed. The final drainage plan shall also specify any

treatments necessary to protect earthen channels from erosion, and modifications that may be needed to existing underground pipe and culvert capacities.

Other LID methods shall be used to maintain pre-project runoff levels, including planning and design considerations for buildings, landscaping, parking lots, and roads that maximize runoff infiltration into the ground and reduce the peaks of stormwater hydrographs. All North Coast RWQCB requirements shall be followed in the development of the final drainage plan.

Finding

The CSU Board of Trustees finds that Mitigation Measures 3.12-3 and 3.12-4 are feasible and will reduce the potentially significant utilities and service systems impacts of the project to a less-than-significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation require Cal Poly Humboldt to coordinate with the City of Arcata and conduct a refined engineering analysis; and complete final drainage plans. 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 3.12-3 and 3.12-4).

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

This section identifies the project's 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:

AESTHETICS - RESULT IN A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA

An evaluation of the project's impacts related to aesthetics is found in Section 3.1, "Aesthetics," of the Final EIR. The project would involve development of the site with a seven-story student housing complex, consisting of two separate buildings. Construction and operation of the project would intensify development on the project site and partially obstruct distant views of hills and forestlands, specifically from US 101 and L.K. Wood Boulevard south and west of the project site. Therefore, the project would result in a substantial adverse effect on scenic vistas. This impact would be significant and unavoidable. (**Impact 3.1-1**).

Mitigation Measures

The scale of the proposed on-site buildings is needed to achieve the project goal and objective of meeting on-campus housing needs, and as a result, no feasible mitigation is available to fully screen the buildings, maintain existing views, or preserve the natural feeling of the existing landscape and long-distance views in the area. However, as described in Section 2.4, Recreation, Parks, and Open Space, of Chapter 2, Project Description, existing landscaping and trees along the periphery of the project site would be maintained/enhanced to provide screening of the proposed development. However, the proposed buildings would still be prominent features within the local viewsheds, including along US 101 and L.K. Wood Boulevard, due to their massing and height.

Finding

The CSU Board of Trustees finds that there are no feasible mitigation measures available to reduce project impacts on scenic vistas. Therefore, this impact would remain significant and unavoidable. Pursuant to Public Resources Code Section 21081(b), see the Statement of Overriding Considerations, below, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

AESTHETICS - DAMAGE SCENIC RESOURCES WITHIN A STATE SCENIC HIGHWAY

An evaluation of the project's impacts related to aesthetics is found in Section 3.1, "Aesthetics," of the Final EIR. The project site is adjacent to a segment of US 101, which is listed as an eligible State scenic highway and is notable for scenic views of forested landscapes. The project would not damage scenic resources, such as trees, rock outcroppings, or historic buildings within a State scenic highway and would not affect the eligibility of US 101 for official designation as a State scenic highway. Although views of the project site would be fleeting from north-and southbound US 101, the project would introduce urban/suburban, human-made elements that would alter the current condition of the project site, which is considered part of the scenic highway corridor. This impact would be significant. **(Impact 3.1-2).**

Mitigation Measures

No feasible mitigation is available to fully screen the project, maintain existing views, or preserve the forested condition of the existing landscape. However, as described in Section 2.4, Recreation, Parks, and Open Space, of Chapter 2, "Project Description", of the Draft EIR, existing landscaping and trees along the periphery of the project site would be maintained/enhanced to provide screening of the proposed development. Nonetheless, the proposed on-site buildings would still be a prominent feature within the viewshed of US 101 due to its massing and height. The scale of the buildings is needed to achieve the project goal and objective of meeting student housing needs proximate to campus.

Finding

The CSU Board of Trustees finds that there are no feasible mitigation measures available to reduce project impacts related to damage of scenic resources within a State scenic highway. Therefore, this impact would remain significant and unavoidable. Pursuant to Public Resources Code Section 21081(b), see Section 2, Statement of Overriding Considerations, of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

AESTHETICS - SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS OF THE SITE AND ITS SURROUNDINGS

An evaluation of the project's impacts related to aesthetics is found in Section 3.1, "Aesthetics," of the Final EIR. Project implementation would introduce new human-made elements that would be prominent within viewsheds of the project site due to the massing and height of the proposed buildings. The project would alter the existing low density urban/suburban and forested character of the landscape to one that is more densely developed or urban. Additionally, the proposed on-site buildings would briefly obstruct views of a distant wooded hillside from public roadways and a segment of the proposed Annie & Mary Rail Trail to the south and west of the project site. Therefore, the impact would be significant and unavoidable. **(Impact 3.1-3).**

Mitigation Measures

No feasible mitigation is available to fully screen the buildings, maintain existing views, or preserve the natural feeling of the existing landscape. However, as described in Chapter 2, "Project Description", and further discussed in Section 3.1, "Aesthetics", of the Draft EIR, the project would include design features to minimize visual impacts. The building and site design, including the massing, articulation, materials, and colors, would be consistent with the design guidelines in Cal Poly Humboldt's 2004 Master Plan. Additionally, the proposed design would place the highest part of the buildings toward the northeast corner of the project site, which is intended to reduce the perceived scale of the project, as viewed from residences to the west and south. Furthermore, existing landscaping and trees along the periphery of the project site would be maintained/enhanced to provide screening of the proposed development from off-site viewpoints, including the existing residential neighborhoods to the south and west. Despite these design features, the buildings would still be prominent from each of the representative viewpoints due to its massing and height. The scale of the buildings is needed to achieve the project goal and objective of meeting on-campus housing needs.

Finding

The CSU Board of Trustees finds that there are no feasible mitigation measures available to reduce project impacts on the visual character and quality of public views of the site and its surroundings. Therefore, no additional feasible mitigation is available to reduce the project's impact. Pursuant to Public Resources Code Section 21081(b), see Section 2, Statement of Overriding Considerations, of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

NOISE - GENERATE SUBSTANTIAL TEMPORARY (CONSTRUCTION) NOISE

An evaluation of the project's impacts related to noise is found in Section 3.8, "Noise," of the Final EIR. Hourly noise levels during construction activities would range from approximately 84 dBA to 86 dBA at the nearest residential receptor (i.e., residence at 2590 Eye Street). Based on available existing noise level data for the project site, hourly noise levels closest to the nearest sensitive receptor are 68.5 dBA Leq. Considering that noise levels at this location could reach as high as 86 dBA Leq, (i.e., 17 dBA over existing levels), construction noise would constitute a substantial increase (perceived more than doubling of the existing noise levels) for an extended period of time. Although short-term in nature, this impact would be significant and unavoidable. (**Impact 3.8-1**).

Even where impacts cannot be reduced to a less than significant level, Section 15021 of the State CEQA Guidelines establishes a duty for public agencies to minimize environmental damage where feasible. Accordingly, required mitigation that would lessen project noise impacts to the greatest extent feasible is provided below.

Mitigation Measure 3.8-1: Implement Construction-Noise Reduction Measures

For all construction activities, Cal Poly Humboldt shall implement or incorporate the following noise reduction measures into construction specifications for contractor(s) implementation during project construction:

- ▶ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation;
- ▶ All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses, and/or located to the extent feasible such that existing or constructed noise attenuating features (e.g., temporary noise wall or blankets) block line-of-site between affected noise-sensitive land uses and construction staging areas;
- ▶ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site, using electric powered equipment instead of pneumatic or internal combustion powered equipment) where feasible and consistent with building codes and other applicable laws and regulations;
- ▶ Stationary noise sources such as generators or pumps shall be located as far away from noise-sensitive uses as feasible;
- ▶ No less than 1 week prior to the start of construction activities at a particular location, a notification shall be provided to nearby off-campus, noise-sensitive land uses (e.g., residential uses) that are located within 150 feet of the construction site (i.e., based on the construction noise modeling, distance at which noise-sensitive receptors would experience noise levels of 5 dBA over existing ambient levels);
- ▶ When construction requires material hauling, a haul route plan shall be prepared for construction of each facility and/or improvement for review and approval by the Cal Poly Humboldt that designates haul routes as far as feasible from sensitive receptors;
- ▶ The contractor shall designate a disturbance coordinator and post that person's telephone number conspicuously around the construction site and provide to nearby residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem; and

- ▶ When construction activities would occur within 150 feet of existing residential land uses, the following measures shall be implemented;
 - Use of noise-reducing enclosures and techniques around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors);
 - Installation of temporary noise curtains installed as close as possible to the boundary of the construction site within the direct line of sight path of the nearby sensitive receptor(s) and consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side;
 - Retain a qualified noise specialist to develop a noise monitoring plan and conduct noise monitoring to ensure that noise reduction measures are achieved the necessary reductions such that levels at the receiving land uses do not exceed 5 dBA over existing levels.

Finding

The CSU Board of Trustees finds that implementation of Mitigation Measures 3.8-1 would reduce noise by locating equipment as far away from receptors as possible, requiring the proper use of available noise-reduction equipment, including use of alternatively powered equipment, exhaust mufflers, engine shrouds, equipment enclosures, and barriers for activities in the vicinity of noise-sensitive uses, and require on-site monitoring to ensure noise levels do not exceed allowable limits. Implementation of these noise-reduction features can reduce construction noise levels by 10 dBA or more (NCCHP 1999). With mitigation, construction-generated noise levels would be substantially reduced. However, construction noise levels would still exceed ambient levels by up to 17 dBA and a reduction in noise of 10 dBA would still result in an increase in noise by 7 dBA, which is considered distinctly perceptible by most people. Thus, even with implementation of all feasible mitigation, construction noise could still result in potential construction noise impacts or residences within 200 feet of the project site, including a residence at 2590 Eye Street. Therefore, this impact would remain significant and unavoidable.

Pursuant to Public Resources Code Section 21081(b), see Section 2, Statement of Overriding Considerations, of this document 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 aesthetic impacts related to scenic vistas, state scenic highways, and existing visual character or quality (Impacts 3.1-1, 3.1-2 and 3.1-3) and noise impacts related to temporary construction noise (Impact 3.8-1). Cal Poly Humboldt'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 Cal Poly Humboldt, 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.

- ▶ **Alternative Site Configuration:** Cal Poly Humboldt initially considered a modified configuration (i.e., site layout) of the proposed student housing complex that would nonetheless include the same primary components (i.e., apartment-style units with up to 964 beds for undergraduate and graduate student and on-site amenities) as the project. More specifically, Cal Poly Humboldt explored providing four four-story housing buildings along the perimeter of the site, resulting in on-site buildings being located closer to single-family homes located along the southern and western edges of the site. In contrast, the project would consolidate two seven-story buildings in the center of the site that would increase in height as they trend to the east, and includes deep landscape setbacks from surrounding roadways (e.g., Maple Lane and Eye Street). Because of the existing single-family residential neighborhood to the south and west, as well as US 101 to the east, this alternative would potentially increase visual impacts on the nearby residential neighborhood and/or along US 101 if the reconfiguration necessitated increased building height or massing along the perimeter of the site. Additionally, this alternative could expose on-site residences to additional noise associated with vehicles along US 101 or the existing lumber mill (Mad River Lumber) to the north.

While this alternative would achieve the project objectives and would support Cal Poly Humboldt's desire to provide additional student housing proximate to campus, it would also alter the internal circulation of the site and could require more substantial relocation of existing City utility infrastructure in the area (including water, sewer, and stormwater facilities located within the project site). As currently proposed, the project would include development of a roundabout in the northeast corner and driveways and parking would occur along the perimeter of the site, which allows for consistent emergency vehicle access to and through the site. However, internal circulation under this alternative would provide limited access for fire protection personnel during potential emergency situations, as well as potential conflicts with pedestrian circulation. Furthermore, because this alternative would not alter the amount of development (in terms of acreage and square footage of on-site buildings), nature of the proposed uses, or number of on-site residents, this alternative would not reduce or eliminate environmental impacts resulting from the project. Therefore, this alternative is rejected from further consideration.

- ▶ **Academic/Administrative Development:** Cal Poly Humboldt considered the development of academic or administrative buildings/facilities instead of student housing. Because of its distance from the main campus, this

alternative could create a greater number of vehicle trips, as a result of academic administrative or academic trips to other on-campus uses during the academic calendar year. It would also not provide additional student housing proximate to campus that is intended to accommodate projected growth of Cal Poly Humboldt, consistent with campus master planning efforts. Additionally, this alternative would not be consistent with the City of Arcata's adopted planning documents or current planning efforts, which have identified the project site for redevelopment with higher density residential uses. Although, as noted throughout this EIR, the CSU is not subject to local regulations, development within the local context/community is considered where appropriate, and this alternative would not be consistent with the City's General Plan update designation and vision for the site. Because this alternative would not meet many of the project objectives and would not reduce or eliminate environmental impacts resulting from the project, this alternative is rejected from further consideration.

- ▶ **Development Per Existing Zoning:** The City has identified the project site for redevelopment with high-density, multifamily residential development (City of Arcata 2022); however, the current City zoning and land use designations for the project site are Limited Industrial, which could allow for development/redevelopment with a mix of light industrial and/or warehouse-related uses. Nonetheless, because the project site is currently owned by the Humboldt State University Foundation, would be transferred to Cal Poly Humboldt as part of the project, and Cal Poly Humboldt (as part of the CSU) is not subject to local plans, policies, and regulations, redevelopment of the site with industrial uses consistent with existing zoning is not considered feasible. It would also not provide additional student housing proximate to campus that is intended to accommodate existing demand and projected growth in student enrollment at Cal Poly Humboldt, consistent with campus master planning efforts. Because this alternative would not meet any of the project objectives and would not reduce or eliminate environmental impacts resulting from the project, this alternative is rejected from further consideration.

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: Lower-Density Student Housing Development
- ▶ Alternative 3: On-Campus Student Housing
- ▶ Alternative 4: Faculty and Staff Housing

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 four 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, Cal Poly Humboldt 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 15126.6[e][2]).

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 Cal Poly Humboldt and the project site would remain unchanged from current conditions and underutilized. The property would remain in operation as a light industrial use with rental space for small businesses in the area, and the existing single-family residences on the project site would remain.

Finding

The No Project-No Development Alternative would not support Cal Poly Humboldt’s academic mission by accommodating increases in student enrollment proximate to campus and within Cal Poly Humboldt property (Project Objectives 1, 2, and 3). In addition, it would not optimize an underutilized location or contribute to the overall livability of the area (Project Objective 4). In general, Alternative 1 would not meet any of the project objectives and would not achieve the underlying project purpose of the proposed project. Therefore, the CSU Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

LOWER-DENSITY STUDENT HOUSING DEVELOPMENT ALTERNATIVE

Description

Under this alternative, the project site would be developed with a smaller housing development, consistent with the previously proposed development at the project site. Under this alternative, up to 800 student beds would be provided within four 4-story buildings surrounding internal courtyards located within the central portion of the site. This alternative was previously considered by the City as part of an application for a private development on the same site, but was never approved. As noted in Chapter 2, “Project Description,” the application was rescinded in 2019.

Finding

The Lower-Density Student Housing Development Alternative would partially achieve a majority of the stated project objectives, similar to the proposed project. However, Alternative 2 would provide less opportunity for students to reside in Cal Poly Humboldt housing and reduce off-campus housing demands (Project Objectives 1 and 2). This alternative would also not achieve the level of optimization of the project site (Project Objective 4) that the project would achieve, nor would it (in doing so) eliminate the significant and unavoidable impacts associated with the project. The CSU Board of Trustees rejects Alternative 2 because it would not provide the same level of achievement of the project objectives and would be less effective in supporting the underlying purpose of the proposed project. Therefore, the CSU Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

ON-CAMPUS STUDENT HOUSING ALTERNATIVE

Description

Under this alternative, development of the project site would not occur. Instead, the upper playfield of the Cal Poly Humboldt main campus, approximately 2.3 acres in size (in contrast to the 12.8-acre project site), would be developed with student housing. In terms of housing density, this alternative would be similar in size and scale (approximately 500 student beds per acre within 2 multistory buildings) to Redwood and Sunset Halls, which provide on-campus housing for first-year students. In order to be consistent with other typical campus housing, this alternative would not provide apartment-style housing and would more closely resemble traditional residence halls (i.e., without kitchens and other amenities such as dining). Based on similarly-sized on-campus housing, under this alternative, the buildings would likely be 5-7 stories in height with reduced communal meeting and study space compared to the project. As part of ongoing campus planning efforts, other developable areas of campus are also being preliminarily considered for additional student housing or essential academic/administrative programming space in the future. This alternative would require the removal of the university's upper playfield, which currently supports softball and other track and field activities and is also the only multipurpose natural grass field on campus. Consequently, this alternative would also require the conversion of other on-campus recreational areas (e.g., Redwood Bowl or College Creek Soccer Field) to multipurpose facilities to supplant the loss of the upper playfield and its functions. It would also result in an overall reduction in recreational opportunities on campus.

Finding

The On-Campus Student Housing Alternative would achieve most of the stated project objectives, similar to the proposed project. However, Alternative 3 would not involve the optimization of an underutilized site (Project Objective 4), because the upper playfield is considered an essential recreational amenity to the Cal Poly Humboldt main campus and the students, faculty, and staff. As part of that, it would also detract from overall campus life/experience (Project Objective 3) by removing an essential recreational amenity of the existing campus. Additionally, this alternative would have secondary effects such as the net permanent loss of a unique recreational facility and the need to redevelop or intensify the use of other campus recreational facilities. As noted above, this alternative may result in greater impacts on biological resources, which would be less consistent with Project Objective 8, as stated above. The CSU Board of Trustees rejects Alternative 3 because it would not achieve the project objectives to the same extent as the project and would be less effective in supporting the overall educational mission of Cal Poly Humboldt, which includes consideration, maintenance, and provision of a certain level of recreational amenities for its students. Therefore, the CSU Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

FACULTY AND STAFF HOUSING ALTERNATIVE

Description

Under this alternative, the project site would be developed with a series of townhomes and apartments for faculty and staff and their families. Assuming that 0.1 acre would be required per townhome/residence, including amenities (e.g., internal circulation and open space), and allowing for appropriate setbacks from the existing lumber mill to the northeast and from US 101, it is anticipated that approximately 150 units could be developed on-site. Buildings would be up to two stories in height and would resemble the nearby Janes Creek Meadows residential community. Assuming 2.12 persons per household (DOF 2021), this would equate to 318 on-site residents.

Finding

The Faculty and Staff Housing Development Alternative would achieve most of the stated project objectives, similar to the proposed project. However, Alternative 4 would not provide opportunities for students to reside in Cal Poly Humboldt housing and reduce off-campus housing demand (Project Objective 2). Alternative 4 would result in fewer housing options and resources available to students compared to faculty and staff, thereby not achieving Project Objectives 1 and 5 to the extent of the project. The lack of available on-campus student housing has deterred

prospective students from accepting enrollment, which has caused the university to suffer from reduced yield. This alternative would also not achieve the level of optimization of the project site (Project Objective 4) that the project would achieve, and would not minimize building footprints on-site (Project Objective 5) to the extent of the project. The CSU Board of Trustees rejects Alternative 4 because it would not provide the same level of achievement of the project objectives and would be less effective in supporting the underlying purpose of the proposed project 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 project 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 first NOP (March 1, 2022) 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 first NOP;
- ▶ The reissued NOP (June 28, 2022) 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 reissued NOP;
- ▶ The Draft EIR for the project (SCH Number 2022030008) dated October 20, 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 Polytechnic University, Humboldt
 Planning, Design, & Construction
 Attn: Deirdre Clem
 1 Harpst Street
 Arcata, CA 95521

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 January 25, 2023, 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 Student Housing Project 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 Student Housing Project (hereinafter, the project). However, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to aesthetics (effects on scenic vistas of hills and forestlands; alteration of scenic resources within a State scenic highway; and obstruction of distant wooded hillside views from public roadways and a segment of the proposed Annie & Mary Rail Trail to the south and west of the project site) and noise (short-term increase in noise during construction). 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, of this document).

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

1. The project will provide necessary student housing for Cal Poly Humboldt near existing and planned mobility infrastructure (i.e., pedestrian bicycle facilities and transit) to reduce vehicle trips, vehicle miles travelled, and parking demand.
2. The project will optimize use of an underutilized infill location, within the City of Arcata, and proximate to the Cal Poly Humboldt main campus and public transportation.
3. The project will provide student housing opportunities on Cal Poly Humboldt property to promote student enrollment and address current housing needs. In addition, provide housing opportunities and complementary services that may be offered to nontraditional students such as graduate students and veterans.
4. The project will support and advance Cal Poly Humboldt’s educational mission by guiding the physical development of housing proximate to campus to accommodate gradual student enrollment growth up to a future enrollment of 12,000 full-time-equivalent students per the 2004 Master Plan while preserving and enhancing the quality of campus life.
5. The project will provide housing density adjacent to Cal Poly Humboldt and the downtown area of the City of Arcata to reduce vehicle trips, vehicle miles travelled, and parking demand within campus and the downtown area.

6. The project will advance campus-wide environmental sustainability and make progress toward goals of carbon neutrality and climate resilience.

As discussed above, a substantial increase in enrollment is expected to occur on campus in the near-term due to the recent designation of the campus as a Cal Poly. The increased enrollment would in turn place further demands on housing within the City and surrounding community, which currently accommodate the majority of student housing associated with campus. The project is necessary to reduce student housing demands within the local community that are expected to continue to grow over the next decade. As noted above, the significant and unavoidable impacts related to the project are limited to aesthetics resources and noise. The significant and unavoidable impacts related to noise would be short-term and limited to the construction phase of the project. In regard to aesthetic resources, a letter submitted by the Coalition for Responsible Transportation Priorities, Environmental Protection Information Center, and the Northcoast Environmental Center (see letter O1 in the Final EIR) contested the significance conclusions presented in the EIR related to scenic resources of the project site and suggested that impacts would be less than significant. However, as provided in Response O1-16 in the Final EIR, aesthetic impacts were determined to be significant and unavoidable because they would represent the introduction of a mid-rise building in a setting characterized almost exclusively by low-rise (single-story) residences and modify views within an eligible scenic highway corridor.

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.