

ATTACHMENT #1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS
ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN;
AND CERTIFYING THE FINAL PROJECT-LEVEL ENVIRONMENTAL IMPACT
REPORT FOR THE WILDHORSE RANCH PROJECT**

WHEREAS, the subject project is known as the "Wildhorse Ranch" and is located at 3003- 3075 East Covell Boulevard, Intersection of East Covell Boulevard and Monarch Lane, APN: 071-140-11;

WHEREAS, the project is a combination of the Residential Medium-density, Residential High-density (single-family attached and apartment complex), and varying open space uses on the 25.79 acre site with the intent to develop up to 191 residential units;

WHEREAS, the Final Environmental Impact Report (SCH #2007072020) consisting of the Draft EIR (two volumes) and response to comments, including a list of any changes made to the DEIR as a result of public comments, has been prepared pursuant to the California Environmental Quality Act (CEQA; PRC Section 21000 et seq.) to analyze the environmental effects of the project;

WHEREAS, a Notice of Preparation was circulated for a 30-day public review on July 5, 2007;

WHEREAS, a public scoping meeting was held July 18, 2007 to receive comments on the appropriate scope of the EIR;

WHEREAS, the Draft EIR was circulated for a 45-day public review and comment period commencing April 24, 2009 and concluding June 8, 2009;

WHEREAS, the Final EIR (Response to Comments) documents were released July 7, 2009 including hand delivery of responses to all public agencies that commented on the Draft EIR in satisfaction of CEQA Guidelines Section 15088(b);

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR;

WHEREAS, on June 3, 2009 the Planning Commission held a public hearing to receive comments regarding the adequacy of the Draft EIR;

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WHEREAS, on July 8, 2009 the Planning Commission voted ?? and therefore did or did not take any action on whether to recommend that the City Council approve the project with conditions;

WHEREAS, the City Council has reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution;

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the project;

WHEREAS, the City Council specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons;

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that can not be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Council believes justify the occurrence of those impacts;

WHEREAS, the City Council is required pursuant to CEQA (Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve this project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (Guidelines Section 15093).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davis as follows:

1. Exhibit A (Findings of Fact) and Exhibit C (Mitigation Monitoring Plan) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for

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significant effects of the project. The City Council hereby adopts these various findings of fact attached hereto as Exhibits A and C.

2. Exhibit B of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable". The City Council hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit B (Statement of Overriding Considerations).

3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the project will result in significant effects on the environment, however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.

4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the proposed project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.

5. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.

6. The Mitigation Monitoring Plan attached hereto as Exhibit C (Mitigation Monitoring Plan) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

7. The City Council finds that the project will be consistent with the General Plan (including all elements) as amended, and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.

8. The City Council hereby certifies the FEIR.

9. A Notice of Determination shall be filed immediately after final approval of the project through the Measure J election.

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10. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:

- a) A copy of the FEIR (2 volumes) and CEQA Findings of Fact shall be provided to the County Planning Department;
- b) A copy of the FEIR (2 volumes) and CEQA Findings of Fact shall be retained in the project files;
- c) A copy of the FEIR (2 volumes) and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

PASSED AND ADOPTED by the City Council of the City of Davis this 28th day of July 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ruth Uy Asmundson, Mayor

Zoe Mirabile, City Clerk

Exhibits Attached:

- A. CEQA Findings of Fact
- B. Statement of Overriding Considerations
- C. Final Mitigation Monitoring Plan

**EXHIBIT A -- CEQA FINDINGS OF FACT
WILHORSE RANCH ROJECT**

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CEQA FINDINGS OF FACT for WILDHORSE RANCH PROJECT

SECTION A.

INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Wildhorse Ranch Project. Pursuant to CEQA Guidelines Section 15161, a Project Level Environmental Impact Report has been prepared for the Wildhorse Ranch Project.

The CEQA Statutes (Public Resources Code Sections 21000, et seq.) and Guidelines (Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report ("EIR") must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

- a) Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- b) 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.
- c) 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 environmental impact report.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project shall not be approved if it would result in a significant environmental impact or, if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

Only when there are specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts could be approved. Section 15093 requires the lead agency to document and substantiate any such determination in "statements of overriding considerations" as a part of the record.

SECTION B.

PROJECT LOCATION

The project site consists of approximately 25.79 acres of land within the City of Davis, Yolo County, California. The project site is located at 3003- 3075 East Covell Boulevard, Intersection of East Covell Boulevard and Monarch Lane – APN: 071-140-11

PROJECT DESCRIPTION

The proposal is to allow the development of the approximately 25.8-acre site with up to 191 residential units, which will consist of 73 detached single-family units, 78 two to three story attached single-family units (i.e., townhomes or condominiums), and a 40-unit apartment complex on 1.92 acres; 38 of 40 will be used to meet affordable housing requirement. Given the recent City Council decision to suspend the middle-income housing requirement, the proposal is not required to provide middle-income units. The 73 detached single-family lots will be approximately 3,500 square feet in size, and will have homes ranging from 1,600 to 2,000 square feet in sizes. The 78 attached single family lot sizes will range from 1,500 to 2,600 square feet in size, and accommodate homes ranging in sizes from 1,400 to 1,600 square feet. The apartment units will range from 700 to 900 square feet in sizes. The proposed project involves these entitlement applications -- General Plan and Zoning Ordinance amendments, Development Agreement, Affordable Housing Plan, and Environmental Determination, which are briefly described below.

1. General Plan Amendment, requesting a change to the site's land use designation from Agriculture to five land uses; Residential High Density, Residential Medium Density, Neighborhood Greenbelt, Natural Habitat Area, and Urban Agricultural Transition Area.
2. Rezoning and Preliminary Planned Development, requesting to change the site's existing zoning, P-D #3-89 (horse ranch), to a new Planned Development in order to allow the proposed residential and open space uses. The proposed zoning change will result in the following land uses: single-family attached and detached units, affordable rental apartment, open space, Greenbelt, and Urban Agricultural Transition Area.
3. Affordable Housing Plan, requesting approval to allow for the establishment of the affordable housing parameter for the proposed residential development with the intent to apply in the future for approval of a Project Individualized Affordable Housing Plan.
4. Development Agreement – the applicant will enter into a development agreement with the city in order to establish certain development rights for the property.

The Wildhorse Ranch site plan is Figure 3-3 of the DEIR, while the colored copy of proposed uses is on page 4.1-5 of the DEIR.

PROJECT OBJECTIVES

The applicant's objectives for the proposed project are as follows (Page 6-1, DEIR):

- Provide a net positive value to the neighborhood and the City.
- Create a model for social, ecological, and economic sustainable community development.
- Incorporate the best of smart growth concepts.
- Create a strong network of open spaces within the project. Create small nodes for informal resident interaction throughout.
- Embrace Low Impact Development concepts for the site such as on-site stormwater management; reduced pavement heat sinks; water conserving landscaping; and porous paving.
- Create architecture that is aesthetically pleasing and that utilizes the best of green building practices.
- Define a project that is economically viable. A reasonable profit is necessary to assure completion and provision of amenities for the Davis community.

The City's project objectives are as follows:

- Provide a diversity of housing types and sizes that will provide options to a range of economic levels;
- Contribute to the City's regional fair share housing needs;
- Provide safe and attractive transportation networks to assure appropriate public safety and emergency access and promote alternative transportation modes, such as bicycling, walking, and public transit;
- Protect the viability of agriculture and prime agricultural land in and around Davis including consistent agriculture buffer; and
- Minimize impacts on Davis' land, water, air, and biological resources, and provide outdoor common areas, greenbelts, and agricultural buffers that enhance the environment and foster a sense of community.

SECTION C.

BACKGROUND AND HISTORY

In 1994, the City of Davis approved the Wildhorse Residential Development project, including the public championship golf course and clubhouse. The project site was formerly used for agricultural purposes, which included the use of row crops and pastures. The original the Wildhorse Residential Development project, approximately 424 acres, consisted of residential neighborhoods, including, single-family homes, apartments, affordable housing, parks, and a semi-public championship golf course and clubhouse (Page 1-1, DEIR). Approvals for the Wildhorse Golf Club and Residential Development project included a General Plan Amendment to change the land use configuration. The General Plan amendment allowed single-family residences, greenbelts, parks/recreation land uses to mix throughout the project site, and Agricultural designation for the subject site located in the southeast portion of the development project's site. This area designated as Agriculture is approximately 25.79 acres, and allows for agricultural uses, including a horse ranch. This site is the subject of the environmental analysis

contained in the FEIR. Other relevant planning history is contained in the staff report.

PROJECT TIMELINE

The following are relevant project time lines:

March 10, 2006 – Wildhorse Ranch Project applications received.

July 5, 2007 -- A Notice of Preparation (NOP) for this Draft EIR was released for a 30-day review (Appendix A).

July 18, 2007 -- A public scoping meeting was held on Draft EIR.

April 24, 2009 through June 8, 2009 – 45-day review and comment period for Draft EIR.

June 3, 2009 – Planning Commission hearing to receive DEIR comments.

July 8, 2009 – Planning Commission Public Hearing on FEIR and project applications.

July 28, 2009 – City Council Public Hearing.

SECTION D.

THE FINAL EIR

The Final EIR for the project includes the following items:

- 1) Draft EIR (SCH #2007072020), two volumes, dated April 2009.
- 2) Final EIR, one volume, dated July 2009.
- 3) Actions taken by the City Council, as defined herein, to refine, amplify, or further clarify the project description, impacts, and/or mitigation measures;
- 4) Final Mitigation Monitoring Plan (Exhibit C)

THE RECORD

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of CEQA Guidelines Section 15091(e) the location and custodian of the documents and other materials which constitute the record of proceedings upon which these decisions are based is as follows:

City of Davis, c/o Community Development Director

Davis Community Development Department
23 Russell Boulevard
Davis, CA 95616
(530) 757-5610

SECTION E.

DISCRETIONARY ACTIONS

The discretionary actions being processed at this stage of this project are identified as follows:

- Certification of the EIR (SCH #2007072020);
- Approval of the General Plan;
- Approval of Rezoning and Preliminary Planned Development;
- Approval of Affordable Housing Plan; and
- Approval of Development Agreement.

Upon a successful passage of a Measure J vote, the following approvals and actions are also required:

- Lot Line Adjustment
- Tentative subdivision map
- Final map
- Final Planned Development
- Project Individualized Affordable Housing Plan
- Design Review for the Affordable Housing
- Site plan/building plan approval;
- Issue building permits; and
- Complete other processing as required.

SECTION F.

CONSISTENCY WITH POLICIES, PLANS, AND REGULATIONS

The project as approved, including all adopted conditions and mitigation measures, has been found by the City Council to be consistent with the General Plan and the Zoning Ordinance.

SECTION G.

TERMINOLOGY OF FINDINGS

For purposes of these findings, the term "mitigation measures" shall constitute the "changes or alterations" discussed in the Introduction. The term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less than significant level. Although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as "potentially significant," these findings will nevertheless account for all such effects if so-identified in the EIR. When an impact remains significant or potentially significant assuming implementation of the mitigation, the findings will identify that impact as "significant and unavoidable."

In the process of adopting mitigation, the City Council has also made a determination regarding whether the mitigation proposed in the EIR is "feasible." Pursuant to the CEQA Guidelines, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

In the process of considering the EIR for certification, the Council has recognized that impact avoidance is not possible or feasible in some instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City Council has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section O (Findings on Impacts and Mitigation Measures) below, and in Exhibit B (Statement of Overriding Considerations).

SECTION H.

LEGAL EFFECT OF FINDINGS

Pursuant to Section 15091(d) of the CEQA Guidelines, all feasible mitigation measures that avoid or substantially lessen the significant effects of the project and that are adopted in these Findings shall become binding on the applicant at the time of approval as policies or implementation measures of the General Plan.

SECTION I.

MITIGATION MONITORING PLAN

As required by Public Resources Code Section 21081.6, and Sections 15091(d) and 15097 of the CEQA Guidelines, the City, in adopting these findings, also adopts a Mitigation Monitoring Plan (MMP). The monitoring and reporting plan is designed to ensure that, during all phases of the project, the City and any other responsible parties, implement the adopted mitigation measures. This plan is contained in Exhibit C (Mitigation Monitoring Plan).

SECTION J.

PROJECT BENEFITS

The City Council finds that approval of the Wildhorse Ranch Project will result in the following benefits for the City and City residents (in no relative order):

Economic and Fiscal:

- The project will provide housing affordable to the local population and workforce.
- The Development Agreement for the project requires that the project provide **TBD** to the City as a Supplemental Development Impact Fee for the City to use for any purpose to address current needs within existing neighborhoods or special projects within the City.
- The project will provide a net fiscal benefit to the City.

Housing:

- The project will provide 38 affordable units for low and very low income households.
- The project responds to the City's internal housing needs study, the SACOG regional housing needs allocation and a general consideration of home price trends, all of which indicate that housing demand in the community is at a critical level.
- The project provides a reasonable addition to the existing City housing inventory that ensures adequate supply to meet internal generated demand.
- The project provides for three distinct housing types with both ownership and rental opportunities. The homes will be affordable to a wide range of income levels.
- The site meets the City's affordable housing goals and policies through the provision of 38 apartment homes to be affordable to very low and low income households. The project applicant will pursue a Project Individualized Plan to construct the units or provide the land, through a dedication of 1.92 acres to the City, consistent with the City policy.

Recreation:

- The project will provide connection points for existing and future residents to the City trail in the Agricultural Buffer as well as to the City bike trail network. Bike and pedestrian circulation is provide throughout the site providing many opportunities to enjoy existing and planned recreational improvements.

Schools:

- The project will provide mitigation for its impacts to school site facilities.

Growth:

- The site is located within the existing City limits and represents a logical location for housing.
- The project responds to this growth pressure in a way that embraces community values, reduce community impacts and a size consistent with housing demand generated from within the City.
- The project features expanded efforts toward sustainable design and energy efficiency that will set a new standard for future growth, providing significant reduction in the generation of Green House Gases as a result of the project.
- Subsequent to approval by the City Council, the project must still achieve voter support pursuant to the City’s “Measure J.” Measure J, Article 40.40 of the Municipal Code, requires voter approval before certain General Plan Amendments can go into effect. Once a project is approved by the voters, baseline project features may not be changed without subsequent voter approval. These baseline project features include recreation facilities, public facilities, sustainable design features, and community benefits.

Circulation:

- The project roadway system does not provide for any connection to the existing community thereby reducing conflicts and traffic impacts to existing residents.
- Internal roadways are narrower than standard streets and are designed as such to slow vehicles within the neighborhoods.
- The EIR establishes traffic mitigation measurements which will be required with development of the site.
- The vehicular and pedestrian circulation systems will incorporate “Complete Streets” design to ensure full access to all types and modes of travel within the community.

SECTION K.

FINDINGS ON ALTERNATIVES

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR examines six alternatives to the proposed project. One of these (Alternative 1) was rejected from further analysis after initial consideration; and five were analyzed at a comparative level of detail (Alternatives 2 through 6) consistent with the requirements of CEQA.

The alternatives that were analyzed are as follows:

- Alternative 1 – Increased Density Alternative
- Alternative 2 – No Project/No Build Alternative
- Alternative 3 – Reduced Intensity – Viewshed Preservation Alternative
- Alternative 4 – Reduced Intensity – Agricultural Character Alternative
- Alternative 5 – Infill Site Alternative

Section 15126.6(f) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include:

- Failure to achieve the basic objectives of the project
- Failure to avoid or substantially lessen significant effects of the project
- Site suitability
- Economic viability
- Availability of infrastructure
- General Plan consistency
- Limitations of other plans or regulations
- Jurisdictional boundaries
- Ability of the project proponent to reasonably acquire, control, or otherwise have access to an alternative site
- Alternatives for which effects cannot be reasonably ascertained and for which implementation is remote and speculative

Based on impacts identified in the FEIR, and other reasons documented below, the City Council finds that adoption and implementation of the project as approved is the most desirable, feasible, and appropriate action and hereby rejects alternative one through six and other combinations and/or variations of alternatives as infeasible based on consideration of the relevant factors identified above.

A summary of each alternative and its relative characteristics, and documentation of the Council's findings in support of rejecting the alternative as infeasible are provided below.

Alternative 1 – Increased Density Alternative

Alternative 1 -- The Increased Density Alternative would have increased the number of residential units constructed on the Proposed Project site by increasing the number of attached dwelling units.

This alternative was rejected from comparative analysis in Chapter 6 of the EIR. This alternative was rejected primarily because increasing the number of dwelling units would result in more traffic, which would subsequently increase impacts related to noise and air quality. Furthermore, increased density would result in a similar or greater impact to aesthetics. As the Increased Density Alternative would not reduce any impacts, and would increase the project's contribution to several impacts, the Alternative was dismissed from further consideration..

Alternative 2 – Alternative 2: No Project/No Build Alternative

Alternative 2 – The No Project/No Build Alternative can be defined either as “no action taken on the proposed project” or “no build” on the project site.

The No Project/No Build Alternative would result in the project site remaining in use as a horse ranch. This would be consistent with the current Davis General Plan land use designation for the site of Agriculture. Under the current use, incompatibilities arise from having a working horse ranch adjacent to residential uses. A Horse Ranch Management Plan is in place to manage horse operations, including odors; however, implementation of the Proposed Project would remove the possibility of conflicts between the horse ranch and existing uses. Therefore, the No Project/No Build Alternative could result in slightly greater land use impacts.

Alternative 3 – Reduced Intensity - Viewshed Preservation Alternative

Alternative 3 -- The intent of the Viewshed Preservation Alternative is to maintain the partial views of agricultural land and the Sierras east of the project, which is currently afforded to existing residents immediately west of the project site.

In order to still achieve the basic objectives of the project, the project site would still be developed with residential uses, albeit, at a lower density than the Proposed Project. Similar to the Proposed Project, this Alternative would involve a General Plan Amendment. For this Alternative, the project site would be re-designated from Agriculture to Low Density Residential. Using the minimum density of the Low Density Residential designation of three units per acre, the Viewshed Preservation Alternative would include 75 units ($3 \text{ du/acre} * 25 \text{ acres} = 75 \text{ dwelling units}$). Similar single-family product types would be included in this Alternative as are included in the Proposed Project; however, the Alternative would comply with the affordable housing requirement through the creative placement of attached residences, such as duplexes on corner lots. Average lot size would be approximately 0.25 acres in area. The large lot sizes would allow for the development of single-level ranch style units, which would reduce the impact of the development associated with the change in the current character of the site. Furthermore, single-level houses would obstruct fewer views of the Sierra foothills given a maximum building height of 20 feet. In comparison, the Proposed Project includes structures of up to three stories in height. Land dedications for roadways, agricultural buffers, and greenbelt/open space would remain the same as for the Proposed Project.

Alternative 4 – Reduced Intensity - Agricultural Character Alternative

Alternative 4 Similar to the Viewshed Preservation Alternative, the Agricultural Character Alternative would include the construction of 75 residential dwelling units.

The units would be predominantly detached single-family residences; however, duplexes would be included to provide the affordable housing component. The Agricultural Character Alternative would differ from the Viewshed Preservation Alternative in that housing would be clustered on smaller lots. A preliminary concept for this Alternative includes lots of approximately $1/6^{\text{th}}$ of an acre, resulting in 12.5 acres being devoted to residential use (See Table 6-2 for land use acreages). The remaining lands would likely be utilized for small-scale

agricultural production of grapes, fruiting trees, or row crops. Trees provided for the residential lots would be agricultural in nature, and could include: olives, walnuts, almonds, or other fruiting trees that would provide both shade and a potential crop. Agricultural lands would likely be owned by the Homeowners Association and leased to an individual or group that would conduct the agricultural operations. An access easement could be included to provide harvesting access to trees in the front yard of residences for tree crops such as olives. The agricultural concept would be woven throughout the development; however, dedicated lands would likely be concentrated along the central greenbelt, adjacent to the agricultural buffer area, and/or in the central portion of the project site. The intended product would be determined at a later date. Similar to the Viewshed Preservation Alternative, low height, low profile street lights would be utilized to reduce the visual presence of the project.

Alternative 5 – Infill Site Alternative

The Infill Site Alternative would combine geographically separated sites to develop the same project components on a land area of approximately the same size as the Proposed Project.

Many potential sites exist within the existing City Limits; however, for the purposes of this analysis three sites have been identified for discussion:

- Simmons Properties (12 acres)
- Grande School Site (8.83 acres)
- Nugget Fields (9.01)

None of the above listed properties are currently owned by the project applicant. Grande School site recently received entitlement approvals from the City Council for the development of 41 single-family units. The property is owned by the school district who intends to sell the entitled property to prospective developers. Project applications have been submitted for the Simmons property for the development of 108 single-family units. The Simmons applications are under review and have not been approved by the City Council. No formal applications have been submitted to the City for the development of the Nugget Fields at this time. Simmons and Nugget Fields sites would require General Plan Amendments and changes of zoning; however, the sites are located within the City Limits and are not designated for agricultural use. Therefore, regardless of which sites are combined for this Alternative, unlike the Proposed Project, approval of this Alternative would not be subject to Measure J voter approval. A combination of any two of the three sites would make up a total of 17.4 to 21 acres. The total land area would be smaller under these potential combinations as compared to the Proposed Project; however, the Proposed Project could still be accommodated as the agricultural buffers would not be required. Therefore, a similar number of residences could be constructed.

Alternative 6 – Measure J Alternative

The Measure J Alternative project site is located in Yolo County, north and east of the City of Davis City limits, southwest of the curve where East Covell Boulevard becomes Mace Boulevard. The Alternative site is comprised of approximately 47 acres.

Unlike to the Proposed Project, the Measure J site would need to be annexed to the City of Davis and would require public approval pursuant to Measure J. The site is not currently owned by the current project applicant. The Measure J Alternative would result in the construction of the same number and type of residential units. However, both the dedicated greenbelt/open space and single-family detached lots sizes would be increased to fill the approximately 21 additional acres.

SECTION L.

GROWTH INDUCEMENT

Chapter 5 of Volume One of the EIR provides a discussion of the growth inducing impacts of the project pursuant to Section 15126.2(d) of the CEQA Guidelines. The analysis concludes that the project would have less-than-significant growth-inducing impacts because the proposed project does not include the extension of any infrastructure (i.e., roads, sewer, and water lines, etc.) to the eastern border of the site, which is comprised of the Davis Agricultural Habitat buffer; and the project would not facilitate the development of agricultural lands east of the project site.

SECTION M.

CUMULATIVE IMPACTS

Chapter 6 of Volume One of the EIR contains an analysis of the cumulative impacts, pursuant to Section 15130 of the CEQA Guidelines. The cumulative analysis is based on the City of Davis General Plan (May 2001) and Project EIR for Establishment of a New Junior High School (i.e. General Plan Update EIR, January 2000). The cumulative traffic analysis was also based on full buildout of the UC Davis 2003 Long Range Development Plan, including the research park and *Aggie Village*, Spring Lake residential development in the City of Woodland and the Woodland Gateway development. Given that the air and noise analyses for the proposed project are based upon the traffic data prepared for the project, the air and noise cumulative settings include the same parameters as the traffic cumulative setting. The following conclusions are reached regarding cumulative impacts:

- Land Use and Agricultural Resources – significant
- Consistency with the City of Davis’ plans, policies, or ordinances – less than significant
- Population, Housing and Employment – less than significant
- Transportation and Circulation – less than significant
- Air quality – less than significant

- Noise – less than significant
- Aesthetics – significant
- Hydrology, water quality, and drainage – less than significant
- Public services – less than significant
- Loss of Prime Agricultural Land – significant and unavoidable
- Impacts relating to Altering the Existing Character of the Project Site and Obstructing Views of Existing Homes -- significant and unavoidable
- Increased Demand for Fire Protection Services -- significant and unavoidable
- Long-term Impacts to Prime Farmland from the Proposed Project in Combination with Existing and Future Developments in the Davis Area -- significant and unavoidable
- *Long-Term Impacts To The Visual Character Of The Region From The Proposed Project In Combination With Existing And Future Developments In The Davis Area -- significant and unavoidable*
- Project Impacts Concerning The Production Of Ghgs -- significant and unavoidable

SECTION N.

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Chapter 5 of Volume One the EIR examines "significant irreversible environmental changes" pursuant to Section 15126.2(c) of the CEQA Guidelines. Build-out of the project is identified as contributing to significant irreversible environmental changes. The EIR states that an impact would be a significant and irreversible change in the environment if:

- Development of the project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of development would generally commit future generations to similar uses (e.g., a highway provides access to a previously remote area);
- Development of the proposed project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The phasing and eventual development of the project would result in an unjustified consumption of resources (e.g., the wasteful use of energy).

The EIR concludes that the proposed project would likely result in or contribute to the following irreversible environmental changes:

- Conversion of existing agricultural farmland to suburban land uses;
- Conversion of habitat;
- Removal of trees;
- Commitment of municipal services to new development; and
- Irreversible alteration of existing character of the project site and obstruction of views from adjacent existing homes.

SECTION O.

FINDINGS REGARDING IMPACTS AND MITIGATION MEASURES

The Final EIR sets forth environmental impacts of the project that would be significant in the absence of mitigation measures. These effects (or impacts) are restated below along with final applicable mitigation measures (including any changes or alterations) as adopted by the City Council that will avoid or substantially lessen those potentially significant or significant effects.

Also set forth are any significant effects that cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the Final EIR. In adopting these findings, the City is also adopting a Statement of Overriding Considerations setting forth the economic, social, and other benefits of the Project that will render these significant effects acceptable. See Exhibit B (Statement of Overriding Considerations).

In the "Findings of Fact" discussion, the City's determination is provided regarding environmental impacts that remain significant or are reduced to a less-than-significant level given the implementation of adopted feasible mitigation, and also whether certain other measures which were proposed, but not adopted, are infeasible for social, economic, or other reasons.

Pursuant to Section 15126.4 of the CEQA Guidelines, the City is not required to adopt mitigation measures for impacts that are less-than-significant. Nonetheless, the City Council restates these conclusions below. Pursuant to Section 15091 of the CEQA Guidelines, the discussion below provides findings of fact concerning each of the impacts and mitigation measures identified in the EIR.

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES

Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
4.1 Land Use and Agricultural Resources			
4.1-1 Consistency with the City of Davis General Plan.	LS	4.1-1 None required.	N/A
4.1-2 Consistency with the Davis Planned Development district process.	LS	4.1-2 None required.	N/A
4.1-3 Loss of prime agricultural land.	S	4.1-3 The project applicant shall set aside in perpetuity active agricultural acreage at a minimum ratio of 2:1 based on the total project footprint of 25.79 acres, through granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the City and/or a qualifying entity approved by the City. The mitigation acreage shall be set aside prior to recordation of the final map(s). The location and amount of active agricultural acreage for the proposed project would be subject to the review and approval of the City Council.	SU
4.1-4 Incompatibilities between future residential uses on the project site and surrounding uses.	S	4.1-4(a) Consistent with Action AG 1.1(g) of the General Plan and the Davis Right-to-Farm Ordinance, the applicant/developer shall inform and provide recorded notice to prospective buyers within 1,000 feet of agricultural land in writing and prior to purchase, as prescribed by the City's Right to Farm Ordinance, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that Davis and Yolo County are agricultural areas and residents of the property may be subject to inconvenience or discomfort	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>arising from the use of agricultural chemicals, and from pursuit of agricultural operations, including, but not limited to cultivation, irrigation, plowing, spraying, aerial application, pruning, harvesting, crop protection, and agricultural burning which occasionally generate dust, smoke, noise, and odor. The language and format of such notification shall be reviewed and approved by the Community Development Director prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.</p> <p>4.1-4(b) Prior to the use of pesticides on the orchard, the Home Owner’s Association and contractor(s) shall obtain a permit and comply with all regulations from the Yolo County Agricultural Commissioner. In addition, signage shall be posted at the perimeter of the orchard notifying the public that pesticides have been recently applied. The signage shall remain posted for the appropriate length, as determined during the permit process.</p> <p>4.1-4(c) Prior to recordation of final map(s), in the event the Davis Sports Park is constructed adjacent and east of the proposed project, the applicant shall prepare and submit a disclosure statement for the review and approval of the Community Development Director which shall disclose the operations associated with the Davis Sports Park Project which will include ball field lights, weekly games, tournaments etc.</p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		Language shall be included on the final map(s) to ensure that the disclosure of the Sports Park runs with the land, and is therefore provided to all prospective buyers of property.	
4.1-5 <i>Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area.</i>	S	4.1-5 Implement Mitigation Measure 4.1-3.	SU
4.1-6 Consistency with the City of Davis’ plans, policies, or ordinances.	LS	4.1-6 None required.	N/A
4.2 Population, Housing, and Employment			
4.2-1 Inconsistency with City of Davis affordable housing policies and Affordable Housing Ordinance.	LS	4.2-1 None required.	N/A
4.2-2 Inconsistency with Growth Management Action “e” of the Davis General Plan.	LS	4.2-2 None required.	N/A
4.2-3 Impacts to employment and housing.	LS	4.2-3 None required.	N/A
4.2-4 Long-term impacts to population, housing, and employment from the proposed project in combination with existing and future developments	LS	4.2-4 None required.	N/A

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
in the Davis area.			
4.3 Transportation and Circulation			
4.3-1 Impacts to study intersections and roadways.	LS	4.3-1 None required.	N/A
4.3-2 Impacts related to the provision of efficient site access and circulation.	S	4.3-2 Prior to approval of the Tentative Map, the project applicant shall ensure that the following items are incorporated into the project design, for the review and approval by the City Engineer: <ul style="list-style-type: none"> • Provision of adequate sight distance at both project access intersections, by setting back any barrier walls far enough from the curb, and by ensuring that existing and new plantings do not obstruct drivers' views; • Design of the internal roadways to meet City standards, and inclusion of internal traffic calming elements as may be determined to be necessary, subject to the review and approval of the City Engineer; and • Provision of traffic control devices, if and where needed in the internal roadway system, based on an analysis of the internal traffic turning movements to be prepared when the project design is more detailed. 	LS
4.3-3 Impacts related to pedestrian and bicycle access and circulation.	S	4.3-3 Prior to approval of the Tentative Map, the project applicant shall ensure that the pathway and sidewalk network meets	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		ADA accessibility requirements, subject to the review and approval by the City Engineer.	
4.3-4 Impacts related to transit access.	LS	4.3-4 None required.	N/A
4.3-5 Impacts to traffic flow from construction traffic associated with grading and development of the project site.	S	4.3-5 Prior to any on-site construction activities, the project applicant shall prepare a Construction Traffic Management Plan subject to the review and approval by the City Engineer. The Construction Traffic Management Plan shall include all measures for temporary traffic control, temporary signage and striping, location points for ingress and egress of construction vehicles, haul routes, staging areas, and shall provide for the timing of construction activity that appropriately limits hours during which large construction equipment may be brought onto or taken off of the site.	LS
4.3-6 Cumulative impacts regarding the deterioration of the Second Street / Mace Boulevard intersection LOS.	S	4.3-6 Prior to the issuance of building permits, or such other time as may be approved at the time of Tentative Map, the project applicant shall pay a fair share fee, as determined by the City Public Works Department, for improvements to the intersection of Second Street and Mace Boulevard; these improvements may include, but are not necessarily limited to: construction of a second left-turn lane on the northbound approach to the intersection of Second Street and Mace Boulevard, re-striping of the eastbound through lane to a shared through-left turn lane, and modification of the signal phasing to allow eastbound and westbound split phasing.	LS
4.4 Air Quality			

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
4.4-1 Exhaust emissions and fugitive dust emissions from project-associated construction activities.	S	<p>4.4-1 Prior to commencement of any ground disturbing activities, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Quality Management District <u>and the dust control plan shall be approved by the Yolo-Solano Air Quality Management District</u>. This plan shall ensure that adequate dust controls are implemented during all phases of project construction. The dust control best management practices (BMPs) may <u>shall</u> include but are not necessarily limited to the following:</p> <ul style="list-style-type: none"> • Apply nontoxic soil stabilizers according to manufacturer’s specifications to all inactive construction areas (previously graded areas inactive for ten days or more); • Reestablish ground cover in disturbed areas quickly; • Water recently disturbed construction areas (ground disturbed within 10 days) at least twice daily to avoid visible dust plumes; • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; • Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); • Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas; • All vehicles hauling dirt, sand, soil, or other loose 	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>materials shall be covered or should maintain at least two feet of freeboard; and</p> <ul style="list-style-type: none"> • Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads; <u>and</u> • <u>All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph.</u> 	
4.4-2 New air pollutant emissions within the air basin resulting from operation of the proposed project.	LS	4.4-2 None required.	N/A
4.4-3 Increased carbon monoxide concentrations at project-area intersections.	LS	4.4-3 None required.	N/A
4.4-4 Long-term air quality impacts from the proposed project in combination with existing and future developments in the Davis area.	LS	4.4-4 None required.	N/A

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
4.5 Noise			
4.5-1 Impacts associated with an increase of existing traffic noise levels on surrounding roadways.	LS	4.5-1 None required.	N/A
4.5-2 Noise impacts associated with existing agricultural activities.	LS	4.5-2 None required.	N/A
4.5-3 Short-term noise impacts from construction activities.	S	<p>4.5-3 Compliance with the following measures shall be incorporated within the Final Planned Development with specific criteria and standards to be reviewed and approved by the Planning Commission:</p> <ul style="list-style-type: none"> • Construction activities shall be scheduled to occur during normal daytime working hours (i.e., 7:00 AM to 7:00 PM Monday through Friday and 8:00 AM to 8:00 PM Saturday and Sunday). These criteria shall be included in the Improvement Plans prior to initiation of construction. Exceptions to allow expanded construction activity hours shall be reviewed on a case-by-case basis as determined by the Community Development Director; • All heavy construction equipment and all stationary noise sources (such as diesel generators) shall be fitted with factory-specified mufflers; and • Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area 	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		as far away from existing residences as feasible.	
4.5-4 Noise impacts associated with greenbelt and orchard maintenance activities.	S	4.5-4 Prior to recordation of final map, disclosure statements advising that periods of orchard and greenbelt maintenance could result in elevated noise levels, shall be prepared and submitted for the review and approval of the Community Development Director. A copy of the approved disclosure statements shall be provided to all prospective buyers of property within the Wildhorse Ranch Subdivision. Language shall be included on the Final Map to ensure that the disclosure of elevated noise levels is provided at the time of all future sales.	LS
4.5-5 Cumulative impact of traffic noise levels.	LS	4.5-5 None required.	N/A
4.5-6 Cumulative impact of traffic noise levels at outdoor activity areas proposed within the 60 dB Ldn contours.	LS	4.5-6 None required.	N/A
4.5-7 Cumulative impact of traffic noise levels at interior residential uses proposed within the 60 dB Ldn contours.	LS	4.5-7 None required.	N/A
4.6 Biological Resources			
4.6-1 Potential Impacts to the American Badger.	S	4.6-1(a) A qualified biologist shall conduct pre-construction surveys for American badger in all construction areas identified as potential habitat located within the project area	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>two weeks prior to initiation of construction activities. If an American badger or active burrow, indicated by the presence of badger sign (i.e. suitable shape and burrow-size, scat) is found within the construction area during pre-construction surveys, the CDFG shall be consulted to obtain permission for animal relocation.</p> <p>4.6-1(b) If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.</p> <p>4.6-1(c) If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.</p> <p><u>Prior to initiating passive relocation efforts, adjacent lands will be evaluated to confirm that suitable habitat and refugia for badgers is present adjacent to the active den site. If necessary, artificial dens will be created in suitable areas</u></p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p><u>within close proximity (as close as is feasible) to reduce exposure to predation during relocation. If passive relocation is ineffective, active relocation techniques will be coordinated with CDFG and carried out by a qualified biologist. A suitable relocation site will be found in the vicinity of the project site and a relocation plan designed to minimize stress to the animal will be developed for approval by CDFG and the City.</u></p> <p>4.6-1(d) If badgers are determined to be actively using the site, a qualified biologist shall provide project contractors and construction crews responsible for site demolition and/or grading operations with a worker-awareness program before any ground disturbance work within the project area. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.</p>	
4.6-2 Potential Impacts to Western Burrowing Owl.	S	4.6-2(a) Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities and within 15 days of initiation of any grading or other construction activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area and within 250 feet of the project boundary. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>according to the CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed.</p> <p>4.6-2(b) If potentially nesting burrowing owl are present during pre-construction surveys conducted between February 1 and August 31, grading or other construction related disturbance shall not be allowed within 250 feet of any active nest burrows during the nesting season (February 1 – August 31) unless approved by CDFG.</p> <p>4.6-2(c) If burrowing owl are detected during pre-construction surveys outside the nesting season (September 1 – January 31), passive relocation and monitoring may be undertaken by a qualified biologist following the CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1 - August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.</p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p><u>If passive relocation is unsuccessful, the feasibility of active relocation will be discussed with CDFG and an alternate strategy evaluated. Any active relocation efforts must be approved by CDFG and the City, and carried out by a qualified biologist with similar burrowing owl relocation experience and according to an approved plan.</u></p> <p>4.6-2(d) If burrowing owl or sign of burrowing owl are detected at any time on the project site, a minimum of 6.5 acres of foraging habitat per pair or individual resident bird, shall be acquired and permanently protected to compensate for the loss of burrowing owl habitat. The acreage shall be based on the maximum number of owls observed inhabiting the property for any given observation period, pre-construction survey, or other field visit. The protected lands shall be occupied burrowing owl habitat and at a location acceptable to CDFG. A report shall be submitted to the City describing the agreed upon location. First priority for habitat preservation shall be accomplished on-site. If the required acreage cannot be preserved on-site, second priority shall be given to habitat preservation at an off-site location within the Davis city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Davis city limits. Habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management</p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>for the benefit of the species, to compensate for the loss of burrowing owl habitat on the project site. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).</p> <p>4.6-2(e) If burrowing owl are determined to be actively using the site, a qualified biologist shall conduct an education session for project contractors and construction crews responsible for site demolition and/or grading operations before any ground disturbance work within the project area. The education session, shall include includes photos of burrowing owl for identification purposes, habitat description, limits of construction activities in the project area, and guidance regarding general measures being implemented to conserve burrowing owl as they relate to the project. A qualified biologist shall provide materials and instructions to train new workers whose jobs involve initial ground disturbance, grading, or paving. Training for personnel finalizing exteriors and interiors would not be required.</p> <p>4.6-2(f) A monitoring report of all activities associated with pre-construction surveys, avoidance measures, and passive relocation of burrowing owls shall be submitted to the City and CDFG no later than three days before initiation of</p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		grading.	
4.6-3 Potential Impacts to Nesting Birds.	S	<p>4.6-3(a) The removal of any buildings, trees, or shrubs shall occur from September 1 through December 15, outside of the avian nesting season. If removal of buildings, trees, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or between December 15 and August 31 (nesting season for raptors), a nesting bird survey shall be performed by a qualified ornithologist within 15 days prior to the removal or disturbance of a potential nesting structure, tree, or shrub, or the initiation of other construction activities. During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, etc.) for nests in and immediately adjacent to the impact areas. A report of the survey findings shall be provided to the City and CDFG.</p> <p>4.6-3(b) All vegetation and structures with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nest site. The size of the buffer zone shall be determined by the project biologist in consultation with CDFG and shall depend on the species involved, site conditions, and type of work to be conducted in the area.</p> <p>4.6-3(c) A qualified biologist shall monitor active nests to</p>	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity.	
4.6-4 Potential Impacts to Special-Status Bat Species.	S	<p>4.6-4(a) A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the following mitigation measures shall be implemented.</p> <p>4.6-4(b) If active maternity roosts or hibernacula are found in trees or structures which will be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones, as determined by a qualified biologist in coordination with CDFG, shall be observed during the maternity roost season (March 1 - July 31).</p>	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>4.6-4(c) If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.</p> <p>4.6-4(d) If special-status bats are found roosting within trees or structures on-site that require removal, appropriate replacement roosts shall be created at a suitable location on site or off site in coordination with a qualified biologist, CDFG, and the City.</p>	
4.6-5 Potential Impacts to Nesting Swainson’s Hawk.	S	4.6-5(a) In order to ensure that nesting Swainson’s hawks will not be affected by construction on the project site, a qualified biologist shall conduct pre-construction surveys according to the CDFG and Swainson’s hawk Technical Advisory Committee guidelines (2000). Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10, and Period V from June 10 – July 30. Three	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>surveys shall be completed in at least each of the two survey periods immediately prior to a project’s initiation and shall encompass the area within one half mile of the project site.</p> <p>4.6-5(b) Because of the potential for Swainson’s hawk to nest on-site, potential adverse affects to this species shall be avoided by establishment of CDFG approved buffers around any active nests. No construction activities shall take place within 0.25 mile of the nest until the young have fledged, or authorization has been obtained from CDFG. Weekly monitoring reports summarizing nest activities shall be submitted to the City and CDFG until the young have fledged and the nest is determined to be inactive. Trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (late September to March) and in accordance with the CDFG “Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California,” November 8, 1994.</p> <ul style="list-style-type: none"> 4.6-5(c) Replacement trees for any potential Swainson’s hawk nest trees removed as part of project construction must be planted either on-site or at a nearby site, and/or an in-lieu fee must be paid to the City of Davis Tree Preservation Fund as detailed in Mitigation Measure 4.6-7. <u>The implementation of this measure is not intended to be</u> 	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<u>duplicative of the mitigation for loss of trees contained in Mitigation Measure 4.6-7(c). Accordingly, mitigation provided under MM 4.6-7(c) may also serve as mitigation under this measure, provided that the standards of this measure are met.</u>	
4.6-6 Potential Impacts to Swainson’s Hawk Foraging Habitat.	S	<p>4.6-6(a) The applicant shall be responsible for mitigating the loss of any Swainson’s hawk foraging habitat. The extent of any necessary mitigation shall be determined by the City in consultation with CDFG; past recommended mitigation for loss of foraging habitat has been at a ratio of one acre of suitable foraging habitat for every one acre utilized by the proposed project. An “Agreement Regarding Mitigation for Impacts to Swainson’s Hawk Foraging Habitat in Yolo County” was executed in August, 2002, between the Cities of Davis, West Sacramento, Winters, Woodland, the County of Yolo, and CDFG. The agreement currently requires 1.0 acre of habitat management lands as mitigation for each 1.0 acre of Swainson’s hawk foraging habitat lost.</p> <p>4.6-6(b) The project proponent will compensate for the loss of Swainson’s hawk foraging habitat by providing Habitat Management lands (HM lands) to CDFG as defined in the Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California (published by California Department of Fish and Game in 1994). If the proposed project is located within 1 mile of an active nest <u>(used during one or more of the last five years,</u></p>	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>to be determined with preconstruction surveys) the loss of habitat will be compensated at a ratio of 1:1 (HM lands:urban development). The project proponent will provide HM lands through an in-lieu fee process prior to <u>commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, groundbreaking</u> per the Agreement to Yolo County HCP/NCCP Joint Powers Agency. Credits will be purchased through the in-lieu fee program due to the lack of mitigation credits currently available at a bank. As of January 2007, the cost per acre for the in-lieu fee is \$8,660 payable to the Joint Powers Agency. Should the in-lieu fee be increased prior to clearance to grade the project site, the project proponent shall pay the in-lieu fee in effect at that time. The project proponent will issue a check to the Joint Powers Agency if mitigation is required. It is estimated that a total of 15.5 acres of Swainson’s hawk foraging habitat would be removed as a result of the project. The applicant shall pay the in-lieu fee for the 15.5 acres based on the removal of this Swainson’s hawk foraging habitat.</p> <p style="text-align: center;">-Or-</p> <p>Prior to commencement of construction-related activities <u>for the project including, but not limited to, grading, staging of materials, or earthmoving activities,</u> the project</p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>proponent shall place and record one or more Conservation Easements that meet the acreage requirements of CDFG’s Swainson’s Hawk foraging habitat mitigation guidelines. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The City may, at its discretion, also be a party to the conservation easement(s). The conservation easement(s) shall be reviewed and approved in writing by CDFG prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson’s hawk.</p>	
4.6-7 Potential Impacts to Tree Removal.	S	<p>4.6-7(a) Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a tree preservation plan, in compliance with Ordinance 37.03.010 in the City of Davis Municipal Code, shall be submitted to the Community Development Department and City Arborist for review and approval, which shall ensure the following measures:</p> <ul style="list-style-type: none"> • Trees shall be cordoned off with chain link fence prior to construction as specified; • Soil compaction under trees is to be avoided; • The fence shall prevent equipment traffic and storage under the trees and should extend beyond the drip-line; 	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> • Excavation within this zone shall be accomplished by hand, and roots ½” and larger shall be preserved; • Proper fertilization and irrigation prior to and during the construction period shall be provided as specified; • New landscaping under existing trees shall be carefully planned to avoid any grade changes and any excess moisture in trunk area. Existing plants which have compatible irrigation requirements and which complement the trees’ color, texture and form are to be saved; • Trenching within the drip-line shall be performed only with prior approval of the Park and General Services Department. Boring is preferred when feasible; • All paving plans and specifications shall clearly prohibit the use of soil sterilants adjacent to preserved trees; and • Grade changes greater than one foot within the drip-line shall be avoided, and nothing other than a saw shall be used for root cutting. <p>4.6-7(b) Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a sheet shall be included with the project plans, which indicates all of the</p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>trees identified. The tree report with corresponding descriptions of each tree by species, health, etc. should also be included. In addition, notes shall be included on the plans which clearly state protection procedures for trees that are to be preserved. Any tree care practices, such as cutting of roots, pruning the top, etc., shall be adequately described and shall have the approval of a representative of the Parks and General Services Department prior to execution. In the event of damage to existing trees, a penalty clause shall be replacement tree(s) of equal size in D.B.H. unless specified otherwise by the Parks and General Services Department.</p> <p>4.6-7(c) Trees identified on the site as Trees of Significance, that are proposed for removal, shall be replaced either on site or at a nearby site deemed acceptable by the Director of the City of Davis Parks and General Services Department. The Director may require an in-lieu fee to be paid to the City of Davis Tree Preservation Fund instead of or in addition to tree replacement. The recommendations for avoidance of trees contained in Chapter 37 of the City of Davis Municipal Code (Tree Planting, Preservation, and Protection) should be adopted if feasible. If infeasible, the applicant should identify trees slated for removal on the site plan, including those with encroachments within 30-feet of the drip line of trees and develop a tree replacement plan that shall be reviewed and approved by the City prior to</p>	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>issuance of the grading permit. Tree replacement shall be implemented according to options outlined in Section 37.03.070 of the City’s Municipal Code as follows:</p> <ul style="list-style-type: none"> (i) Replanting a tree(s) on site: Trees shall be planted in number and size so that there is no net loss in tree diameter at breast height (DBH). For example, if one tree is removed with a 12-inch DBH size, mitigation may consist of a replacement of equal size, two trees each 6-inch DBH, or four trees each 3-inch DBH. The replanted tree(s) shall be minimum 5 gallon size and of a species that will eventually equal or exceed the removed tree in size. (ii) Replanting a tree(s) off site: If there is insufficient space on the property for the replacement tree(s), required planting shall occur on other property in the applicant's ownership or in City-owned open space or park, subject to the approval of the City Arborist and authorized property owners. (iii) Payment to the Tree Preservation Fund in lieu of replacement: If in the City Arborist's determination no feasible alternative exists to plant the required mitigation, or there are other considerations for alternative mitigation, the applicant shall pay into the Tree Preservation Fund an amount determined by the Director based upon the ISA appraisal guidelines or other approved method. If the 	

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		Director approves another method of appraisal guideline, the Director shall publish notice of that approval and notify the permit applicant at the time the permit application is issued.	
4.6-8 Cumulative loss of biological resources in the City of Davis and the effects of ongoing urbanization in the region.	LS	4.6-8 None required.	N/A
4.7 Aesthetics			
4.7-1 Impacts related to altering the existing character of the project site and obstructing views from existing homes.	S	4.7-1 None feasible.	SU
4.7-2 Impacts related to light and glare.	S	<p>4.7-2(a) Prior to issuance of the first building permit, the developer shall submit a street lighting plan for review and approval by the City Engineer. Street lighting shall be limited to reduced height low-profile fixtures. The Plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.</p> <p>4.7-2(b) Prior to the issuance of building permits, the developer shall submit a lighting plan for the review and approval of the Chief Building Official of the City of Davis. The lighting plan shall include shielding on all light fixtures and shall address-limiting light trespass and glare through the use of shielding and directional lighting methods, including but</p>	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		not limited to, fixture location and height. The Plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.	
4.7-3 Impacts to scenic resources.	LS	4.7-3 None required.	N/A
4.7-4 Long-term impacts to the visual character of the region from the proposed project in combination with existing and future developments in the Davis area.	S	4.7-4 None feasible.	SU
4.8 Hydrology, Water Quality, and Drainage			
4.8-1 Exposure of people and structures to flood hazards on the project site.	LS	4.8-1 None required.	N/A
4.8-2 Increased stormwater runoff from the project site contributing to downstream flooding.	S	4.8-2 In conjunction with the submittal of a tentative map, the project applicant shall submit a design-level engineering report on the stormwater detention and conveyance system to the City Engineer demonstrating that the proposed project peak flows into the existing 36-inch storm drain would not exceed 6.2 cfs. The report shall also demonstrate that peak flows from the site do not coincide with peak flows within Channel “A” and demonstrate how the system would function to adequately treat stormwater runoff prior to being discharged into Channel “A.” Stormwater detention and conveyance plans shall be reviewed and approved by the City Engineer.	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
4.8-3 Construction-related impacts to surface water quality.	S	4.8-3 Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation. A copy of the SWPP including BMP implementation provisions shall be submitted to the Chief Building Official.	LS
4.8-4 Long-term water quality degradation associated with urban runoff from the project site.	LS	4.8-4 None required.	N/A
4.8-5 Long-term increases in peak stormwater runoff flows from the proposed project in combination with existing and future developments in the Davis area.	LS	4.8-5 None required.	N/A
4.8-6 Cumulative impacts related to degradation of water quality.	S	4.8-5 Implement Mitigation Measures 4.8-2 and 4.8-3.	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
4.9 Public Services and Facilities			
4.9-1 Ability of Existing Water Conveyance Facilities to Meet Project Water Demands.	S	<p>4.9-1(a) Prior to issuance of building permits, the East Area Tank, the East Area Main Upsize, and the West Area Main Upsize shall be included within the City's Capital Improvement Plan and fully funded for construction.</p> <p>4.9-1(b) If the following is not included in the City's water connection charge at the time the water charge is paid for any unit in the project, then, in addition to the water connection charge, the project shall pay fair share fees for the above-listed improvements at the time of building permit issuance. This fair share shall include any additional costs that the City may incur to accelerate the timing of the above-listed projects.</p>	LS
4.9-2 Long-term availability of water supply to meet the project water demand.	S	4.9-2 The project applicant shall pay fair share fees for the future water supply project(s) required to meet City demand beyond 2020 at the time of building permit issuance.	LS
4.9-3 Increased demand for wastewater disposal.	S	4.9-3 Prior to the approval of a tentative map for the Wildhorse Ranch project, the applicant shall submit a design-level wastewater report for the proposed project that demonstrates how the project's wastewater will be delivered to the Wastewater Treatment Plant. Included in the report shall be a determination of the capacity of downstream sewer lines and what improvements, if any, need to be constructed to accommodate and convey the project's additional wastewater, and the construction and	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		operational costs of the options. The wastewater report shall be subject to approval by the City Engineer. The applicant shall be required to fully fund and construct the necessary wastewater improvements determined by the wastewater report.	
4.9-4 Increased demand for fire protection services.	S	4.9-4 Prior to the issuance of building permits <u>Certificates of Occupancy</u> , the applicant shall contribute funds to the Davis Fire Department for the provision of facilities needed to provide adequate fire protection service to the proposed project. These facilities may include but are not necessarily limited to a fourth City fire station and a ladder truck. The amount of funding shall be <u>pay all applicable major project impact fees per the impact fee schedule determined by the Community Development Director and the Davis Fire Chief.</u>	SU
4.9-5 Increased demand for law enforcement protection services.	<u>LS</u>	4.9-5 Prior to the issuance of building permits, the project applicant shall contribute funding to the Davis Police Department needed to provide an additional 0.57 officer. Funding options include, but are not necessarily limited to the following: <ol style="list-style-type: none"> 1) Provide an endowment fund that would provide for the hiring of approximately 60 percent law enforcement officer and the support equipment and materials for the officer; 2) Contribute toward hiring new officers, their equipment and materials with the goal of 	<u>LSN/A</u>

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
		<p>improving community relations as a good steward of the community; or</p> <p>3) The project applicant shall present an alternative and acceptable means, as determined by the Police Chief, whereby the required law enforcement officer will be provided in the long term.</p> <p>The final funding mechanism and dollar amount shall be reviewed and approved by the Community Development Director and the Davis Police Chief. None required.</p>	
4.9-6 Increased demand for school resources.	S	4.9-6 Prior to the issuance of building permits, the applicant shall show proof to the Community Development Department of payment of current SB50 and AB 16 school impacts fees.	LS
4.9-7 Increased demand for solid waste disposal/recycling services.	LS	4.9-7 None required.	N/A
4.9-8 Increased demand for park and recreation services and facilities.	S	4.9-8 Prior to the issuance of building permits <u>Certificates of Occupancy</u> , the applicant shall pay in-lieu Quimby fees for required park acreage.	LS
4.9-9 Impacts to gas and electric facilities.	LS	4.9-9 None required.	N/A
4.9-10 Long-term impacts to public services and facilities from the proposed project in combination with existing and future developments in the Davis area.	LS	4.9-10 None required.	N/A

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
4.10 Climate Change			
4.10-1 Project impacts concerning the production of GHGs.	S	4.10-1 In conjunction with the submittal of a Tentative Map for the proposed project, the project applicant shall submit, for the review and approval of the Community Development Department, a sustainability plan, which demonstrates that the proposed project does not conflict with the goals and strategies of Executive Order S-3-05, the Attorney General’s suggested global warming mitigation measures, or City of Davis Resolution No. 08-166. The sustainability plan shall include, but not be limited to, the compliance measures <u>listed in the right column of included in</u> Table 4.10-6, which is labeled “Wildhorse Ranch Compliance.”	SU
Initial Study			
V. Cultural Resources.	S	V-1 Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, an archaeological monitor shall be retained by the applicant and approved by the City to train the construction grading crew prior to commencement of earth-grading activity in regard to the types of artifacts, rock, bone, or shell that they are likely to find, and when work shall be stopped for further evaluation. One trained crew member shall be on-site during all earth moving activities, with the assigned responsibility of “monitor.” If any earth-moving activities uncover artifacts, exotic rock, or unusual	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
	S	<p>amounts of bone or shell, work shall be halted in the immediate area of the find and shall not be resumed until after the archaeologist monitor has inspected and evaluated the deposit and determined the appropriate means of curation. The appropriate mitigation measures may include as little as recording the resource with the California Archaeological Inventory database or as much as excavation, recordation, and preservation of the sites that have outstanding cultural or historic significance.</p> <p>V-2 Prior to the approval of tentative map(s), the tentative map(s) shall state that during construction, if bone is uncovered that may be human; the Native American Heritage Commission in Sacramento and the Yolo County Coroner shall be notified. Should human remains be found, the Coroner’s office shall be immediately contacted and all work halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains.</p>	LS
VI Geology and Soils.	S	<p>VI-1 Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the developer shall prepare a storm water pollution prevention plan (SWPPP), consistent with the State Water Resources Control Board NPDES requirements. A copy of the SWPPP shall be submitted to the City Engineer subject to review and</p>	LS

SUMMARY DISCUSSION OF FINDINGS OF FACT CONCERNING EACH OF THE IMPACTS AND MITIGATION MEASURES			
Impact	Findings of Fact	Adopted Mitigation Measures	Level of Significance After Mitigation
	S	<p>comment.</p> <p>VI-2 Prior to the approval of final map(s), a final design-level geotechnical report, with consideration of recommendations from the Wildhorse Geotechnical Investigation, shall be prepared and submitted to the Chief Building Official for review and comment. The recommendations of the final geotechnical report shall be incorporated into the project design prior to issuance of building permits for review and approval of the City Engineer and/or Chief Building Official.</p>	LS
VII Hazards and Hazardous Materials.	S	<p>VII-1 Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the on-site septic systems and agricultural well(s) shall be located and properly destroyed by a licensed contractor in compliance with Yolo County Environmental Health Department standards. Confirmation of the destruction of such facilities shall be submitted to the City Engineer.</p>	LS

**EXHIBIT B of RESOLUTION OF APPROVAL
 CEQA STATEMENT OF OVERRIDING CONSIDERATIONS WILDHORSE
 RANCH PROJECT**

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CEQA STATEMENT OF OVERRIDING CONSIDERATIONS WILDHORSE RANCH PROJECT

SECTION A.

GENERAL INTRODUCTION

In approving the subject project as evaluated in the Final Environmental Impact Report (Final FEIR), the City makes the following Statement of Overriding Considerations in support of its findings of fact and in support of the project. The City Council has considered the information contained in the FEIR prepared to examine the project, and has fully reviewed and considered the public testimony and record in this proceeding.

The City Council has carefully balanced the benefits of the project against the unavoidable adverse impacts identified in the FEIR. Notwithstanding the disclosure of impacts identified in the FEIR as significant and potentially significant, and which have not been eliminated or mitigated to a less-than-significant level, the City Council, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse environmental impacts.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The FEIR found significant and potential significant impacts that cannot be mitigated to a less-than-significant level if the project is implemented with adopted mitigation measures in the following areas: land use and agricultural resources, transportation and circulation, air quality, noise, biological resources, aesthetics, hydrology, water quality, and drainage, public services and facilities, and climate change. Table 2-1 (Summary of Impacts and Mitigation Measures) of the FEIR contains all identified impacts, their level of significance prior to mitigation, their mitigation measures, and their level of significance after mitigation. The above listed environmental factors are identified as significant and unavoidable (SU) with the implementation of the project.

SECTION B.

SPECIFIC FINDINGS

Project Changes to Avoid or Reduce Impacts

Changes or alterations have been made in the project, which mitigate to the most feasible degree the significant environmental effects of the project, as identified in the Final EIR. These are as follows:

- Implementation of all adopted mitigation measures as identified herein. These measures are adopted as conditions on the project approval and must be implemented as a part of the project.

- Implementation of all other conditions of approval adopted by Council and the components of the Development Agreement executed between the parties.

Final Disposition of Mitigation Measures

All feasible mitigation measures have been incorporated into the project by way of adoption by the Council as a part of the Mitigation Monitoring Plan (see Exhibit C). Modifications to some measures have been made by the Council. These are reflected in Section O (Findings Regarding Impacts and Mitigation Measures) of Exhibit A.

Project Benefits Outweigh Unavoidable Impacts

The remaining unavoidable and irreversible impacts of the project are acceptable in light of the economic, legal, social, technological, and other considerations set forth herein because the benefits of the project (as described in Exhibit A, Section J) outweigh any significant and unavoidable or irreversible adverse environmental impact of the project.

Balance of Competing Goals

The Council finds that it is imperative to balance competing goals in approving the project. The identified significant environmental impacts have not been fully mitigated because of the need to meet competing concerns, and/or the need to recognize economic, legal, social, technological, and other issues as factors in decision-making. Accordingly, the Council has chosen to accept the significant adverse environmental impacts because to eliminate them would unduly compromise important economic, legal, social, technological, and other goals. The City Council finds and determines, based on the FEIR, testimony from the hearings, and other supporting information in the record, that the project will provide for a positive balance of the competing goals and that the benefits to be obtained by the project outweigh the adverse environmental impact of the project.

SECTION C.

OVERRIDING CONSIDERATIONS

The Council specifically finds that although the identified significant adverse impacts have not been mitigated to a less-than-significant level, the benefits identified in Section J (Project Benefits) of Exhibit A and the considerations identified above, support approval of the project.

The City Council has balanced these benefits considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council has concluded that the

benefits that the City will derive from the implementation of the project, when combined with the other beneficial considerations discussed in this Section, outweigh those environmental risks.

Economic and Fiscal Considerations

Substantial evidence in the record demonstrates various economic and fiscal benefits, which the City would derive from the implementation of the project. Included among these are (in no relevant order):

- Provide a diversity of housing types and sizes that will provide options to a range of economic levels;
- Contribute to the City's regional fair share housing needs;
- Provide safe and attractive transportation networks to assure appropriate public safety and emergency access and promote alternative transportation modes, such as bicycling, walking, and public transit;
- Protect the viability of agriculture and prime agricultural land in and around Davis including consistent agriculture buffer; and
- Minimize impacts on Davis' land, water, air, and biological resources, and provide outdoor common areas, greenbelts, and agricultural buffers that enhance the environment and foster a sense of community.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Design Considerations

Substantial evidence in the record demonstrates various design benefits, which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- Provide a net positive value to the neighborhood and the City.
- Create a model for social, ecological, and economic sustainable community development.
- Incorporate the best of smart growth concepts.
- Create a strong network of open spaces within the project.
- Embrace Low Impact Development concepts for the site such as on-site stormwater management; reduced pavement heat sinks; water conserving landscaping; and porous paving.
- Create architecture that is aesthetically pleasing and that utilizes the best of green building practices.
- Define a project that is economically viable.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Circulation Considerations

Substantial evidence in the record demonstrates various circulation benefits, which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The project provides for safe and effective integration between the existing roadways and bike connections with the subject project and the existing residential and non-residential development in the area.
- The EIR establishes traffic mitigation measures which will be required with development of the site.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

SECTION D.

CONCLUSION

The FEIR is a project-level document prepared pursuant to the CEQA Guidelines. The Council has independently determined that the FEIR fully and adequately addresses the impacts and mitigations of the Wildhorse Ranch Project. The number of project alternatives identified and considered in the FEIR meets the test of "reasonable" analysis and provides the Council with important information from which to make an informed decision. Public hearings were held before the Planning Commission and the City Council. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits which the City would achieve from the implementation of the project. The City Council has balanced these project benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and concluded that those impacts are outweighed by the project benefits. Upon balancing the

environmental risk and countervailing project benefits, the City Council has concluded that the benefits that the City will derive from the implementation of the Project, as compared to the existing and planned future conditions, outweigh those environmental risks. The City Council believes that the above-described project benefits override the significant and unavoidable environmental impacts of the project.

In conclusion, the City Council hereby adopts the mitigation measures identified in Exhibit C (Mitigation Monitoring Plan), and finds that any remaining (residual) effects on the environment attributable to the project, which are identified as unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth in Sections B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations.

EXHIBIT C – MITIGATION MONITORING PLAN

Wildhorse Ranch Proposal

Introduction

Section 15097 of the California Environmental Quality Act (CEQA) requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring Plan for the Wildhorse Ranch project. The Plan includes a description of the requirements of the California Environmental Quality Act and a compliance checklist. The project as approved includes mitigation measures. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report for this project. Unless otherwise noted, the applicant shall fund the cost of implementing the mitigation measures as prescribed by this Plan.

Compliance Checklist

The Mitigation Monitoring Plan (MMP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Environmental Impact Report for the Wildhorse Ranch project prepared by the City of Davis. This MMP is to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Environmental Impact Report prepared for the proposed project.

The Wildhorse Ranch project Environmental Impact Report presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action.
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project.
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

EXHIBIT C – MITIGATION MONITORING PLAN

Wildhorse Ranch Proposal

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Davis. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Davis will be responsible for ensuring compliance.

During construction of the project, the City will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the City's Planning and Building Department and will be thoroughly familiar with permit conditions and the MMP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site, day-to-day monitoring of construction activities.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- Ensuring contractor knowledge of and compliance with the MMP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require correction of activities that violate mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMP.
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Davis.
- Obtaining assistance as necessary from technical experts in order to develop site-specific procedures for implementing the mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

Mitigation Monitoring Plan

The following table indicates the mitigation measure number, impact the measure is designed to address, measure text, monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

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MITIGATION MONITORING PLAN WILDHORSE RANCH					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign Off
4.1 Land Use and Agricultural Resources					
4.1-3	Loss of prime agricultural land.	4.1-3 <i>The project applicant shall set aside in perpetuity active agricultural acreage at a minimum ratio of 2:1 based on the total project footprint of 25.79 acres, through granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the City and/or a qualifying entity approved by the City. The mitigation acreage shall be set aside prior to recordation of the final map(s). The location and amount of active agricultural acreage for the proposed project would be subject to the review and approval of the City Council.</i>	City Council	Prior to recordation of final map(s)	
4.1-4	Incompatibilities between future residential uses on the project site and surrounding uses.	4.1-4(a) <i>Consistent with Action AG 1.1(g) of the General Plan and the Davis Right-to-Farm Ordinance, the applicant/developer shall inform and provide recorded notice to prospective buyers within 1,000 feet of agricultural land in writing and prior to purchase, as prescribed by the City's Right to Farm Ordinance, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that Davis and Yolo County are agricultural areas and residents of the property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, and from</i>	Community Development Department	Language of disclosure prior to recording of final maps with signature of each prospective property owner at time of sale	

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		<p><i>pursuit of agricultural operations, including, but not limited to cultivation, irrigation, plowing, spraying, aerial application, pruning, harvesting, crop protection, and agricultural burning which occasionally generate dust, smoke, noise, and odor. The language and format of such notification shall be reviewed and approved by the Community Development Director prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.</i></p>			
		<p>4.1-4(b) <i>Prior to the use of pesticides on the orchard, the Home Owner’s Association and contractor(s) shall obtain a permit and comply with all regulations from the Yolo County Agricultural Commissioner. In addition, signage shall be posted at the perimeter of the orchard notifying the public that pesticides have been recently applied. The signage shall remain posted for the appropriate length, as determined during the permit process.</i></p>	<p>Yolo County Agricultural Commissioner</p>	<p>Prior to the use of pesticides on the orchard</p>	
		<p>4.1-4(c) <i>Prior to recordation of final map(s), in the event the Davis Sports Park is constructed adjacent and east of the proposed project, the applicant shall prepare and submit a disclosure statement for the review and</i></p>	<p>Community Development Department</p>	<p>Prior to recording of final maps if Davis Sports Park is constructed adjacent to the site</p>	

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		<i>approval of the Community Development Director which shall disclose the operations associated with the Davis Sports Park Project which will include ballfield lights, weekly games, tournaments etc. Language shall be included on the final map(s) to ensure that the disclosure of the Sports Park runs with the land, and is therefore provided to all prospective buyers of property.</i>			
4.1-5	Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area.	4.1-5 <i>Implement Mitigation Measure 4.1-3.</i>	N/A	N/A	
4.3 Transportation and Circulation					
4.3-2	Impacts related to the provision of efficient site access and circulation.	4.3-2 <i>Prior to approval of the Tentative Map, the project applicant shall ensure that the following items are incorporated into the project design, for the review and approval by the City Engineer:</i> <ul style="list-style-type: none"> • <i>Provision of adequate sight distance at both project access intersections, by setting back any barrier walls far enough from the curb, and by ensuring that existing and new plantings do not obstruct drivers' views;</i> • <i>Design of the internal roadways to meet City standards, and inclusion of internal</i> 	City Engineer	Prior to approval of the Tentative Map	

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		<p><i>traffic calming elements as may be determined to be necessary, subject to the review and approval of the City Engineer; and</i></p> <ul style="list-style-type: none"> • <i>Provision of traffic control devices, if and where needed in the internal roadway system, based on an analysis of the internal traffic turning movements to be prepared when the project design is more detailed.</i> 			
4.3-3	Impacts related to pedestrian and bicycle access and circulation.	4.3-3 <i>Prior to approval of the Tentative Map, the project applicant shall ensure that the pathway and sidewalk network meets ADA accessibility requirements, subject to the review and approval by the City Engineer.</i>	City Engineer	Prior to approval of the Tentative Map	
4.3-5	Impacts to traffic flow from construction traffic associated with grading and development of the project site.	4.3-5 <i>Prior to any on-site construction activities, the project applicant shall prepare a Construction Traffic Management Plan subject to the review and approval by the City Engineer. The Construction Traffic Management Plan shall include all measures for temporary traffic control, temporary signage and striping, location points for ingress and egress of construction vehicles, haul routes, staging areas, and shall provide for the timing of construction activity that appropriately limits hours during which large construction equipment may be brought onto or taken off of the site.</i>	City Engineer	Prior to any on-site construction	
4.3-6	Cumulative impacts	4.3-6 <i>Prior to the issuance of building permits, or</i>	Public Works	Prior to issuance	

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	regarding the deterioration of the Second Street / Mace Boulevard intersection LOS.	<i>such other time as may be approved at the time of Tentative Map, the project applicant shall pay a fair share fee, as determined by the City Public Works Department, for improvements to the intersection of Second Street and Mace Boulevard; these improvements may include, but are not necessarily limited to: construction of a second left-turn lane on the northbound approach to the intersection of Second Street and Mace Boulevard, re-striping of the eastbound through lane to a shared through-left turn lane, and modification of the signal phasing to allow eastbound and westbound split phasing.</i>	Department	of building permits	
4.4 Air Quality					
4.4-1	Exhaust emissions and fugitive dust emissions from project-associated construction activities.	<p><i>4.4-1 Prior to commencement of any ground disturbing activities, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Quality Management District and the dust control plan shall be approved by the Yolo-Solano Air Quality Management District. This plan shall ensure that adequate dust controls are implemented during all phases of project construction. The dust control best management practices (BMPs) shall include but are not necessarily limited to the following:</i></p> <ul style="list-style-type: none"> • <i>Apply nontoxic soil stabilizers according to manufacturer's specifications to all</i> 	City Engineer Yolo-Solano Air Quality Management District	Prior to ground disturbing activities	

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		<p><i>inactive construction areas (previously graded areas inactive for ten days or more);</i></p> <ul style="list-style-type: none"> • <i>Reestablish ground cover in disturbed areas quickly;</i> • <i>Water recently disturbed construction areas (ground disturbed within 10 days) at least twice daily to avoid visible dust plumes;</i> • <i>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;</i> • <i>Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</i> • <i>Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas;</i> • <i>All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard;</i> • <i>Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads; and</i> • <i>All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential</i> 			

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		<i>to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph.</i>			
4.5 Noise					
4.5-3	Short-term noise impacts from construction activities.	<p>4.5-3 <i>Compliance with the following measures shall be incorporated within the Final Planned Development with specific criteria and standards to be reviewed and approved by the Planning Commission:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall be scheduled to occur during normal daytime working hours (i.e., 7:00 AM to 7:00 PM Monday through Friday and 8:00 AM to 8:00 PM Saturday and Sunday). These criteria shall be included in the Improvement Plans prior to initiation of construction. Exceptions to allow expanded construction activity hours shall be reviewed on a case-by-case basis as determined by the Community Development Director;</i> • <i>All heavy construction equipment and all stationary noise sources (such as diesel generators) shall be fitted with factory-</i> 	Community Development Department Planning Commission	In conjunction with the Final Planned Development approval	

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		<p><i>specified mufflers; and</i></p> <ul style="list-style-type: none"> <i>Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as feasible.</i> 			
4.5-4	Noise impacts associated with greenbelt and orchard maintenance activities.	<p>4.5-4 <i>Prior to recordation of final map, disclosure statements advising that periods of orchard and greenbelt maintenance could result in elevated noise levels, shall be prepared and submitted for the review and approval of the Community Development Director. A copy of the approved disclosure statements shall be provided to all prospective buyers of property within the Wildhorse Ranch Subdivision. Language shall be included on the Final Map to ensure that disclosure of elevated noise levels are provided at the time of all future sales.</i></p>	Community Development Department	Prior to recording of final maps	
4.6 Biological Resources					
4.6-1	Potential Impacts to the American Badger.	<p>4.6-1(a) <i>A qualified biologist shall conduct pre-construction surveys for American badger in all construction areas identified as potential habitat located within the project area two weeks prior to initiation of construction activities. If an American badger or active burrow, indicated by the presence of badger sign (i.e. suitable shape and burrow-size, scat) is found within the construction area during pre-construction surveys, the California Department of Fish and Game (CDFG) shall</i></p>	<p>Community Development Department</p> <p>California Department of Fish and Game (CDFG)</p>	Two weeks prior to construction	

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		<p><i>be consulted to obtain permission for animal relocation.</i></p> <p>4.6-1(b) <i>If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.</i></p> <p>4.6-1(c) <i>If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.</i></p> <p><i>Prior to initiating passive relocation efforts, adjacent lands will be evaluated to confirm that suitable habitat and refugia for badgers is present adjacent to the active den site. If necessary, artificial dens will be created in suitable areas within close proximity (as close as is feasible) to reduce exposure to predation during relocation. If passive relocation is</i></p>	<p>Community Development Department</p> <p>Community Development Department CDFG</p>	<p>Prior to construction</p> <p>Prior to construction</p>	

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		<p><i>ineffective, active relocation techniques will be coordinated with CDFG and carried out by a qualified biologist. A suitable relocation site will be found in the vicinity of the project site and a relocation plan designed to minimize stress to the animal will be developed for approval by CDFG and the City.</i></p> <p>4.6-1(d) <i>If badger are determined to be actively using the site, a qualified biologist shall provide project contractors and construction crews responsible for site demolition and/or grading operations with a worker-awareness program before any ground disturbance work within the project area. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.</i></p>	Community Development Department	Prior to construction	
4.6-2	Potential Impacts to Western Burrowing Owl.	4.6-2(a) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities and within 15 days of initiation of any grading or other construction activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area and within 250 feet of the project boundary. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored</i>	Community Development Department CDFG	Prior to and within 15 days of construction related activities	

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		<p><i>according to the CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed.</i></p> <p>4.6-2(b) <i>If potentially nesting burrowing owl are present during pre-construction surveys conducted between February 1 and August 31, grading or other construction related disturbance shall not be allowed within 250 feet of any active nest burrows during the nesting season (February 1 – August 31) unless approved by CDFG.</i></p> <p>4.6-2(c) <i>If burrowing owl are detected during pre-construction surveys outside the nesting season (September 1 – January 31), passive relocation and monitoring may be undertaken by a qualified biologist following the CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to</i></p>	<p>CDFG</p> <p>CDFG Community Development Department</p>	<p>Prior to construction</p> <p>Prior to construction</p>	

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		<p><i>the burrowing owl breeding season (February 1 - August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.</i></p> <p><i>If passive relocation is unsuccessful, the feasibility of active relocation will be discussed with CDFG and an alternate strategy evaluated. Any active relocation efforts must be approved by CDFG and the City, and carried out by a qualified biologist with similar burrowing owl relocation experience and according to an approved plan.</i></p> <p>4.6-2(d) <i>If burrowing owl or sign of burrowing owl are detected at any time on the project site, a minimum of 6.5 acres of foraging habitat per pair or individual resident bird, shall be acquired and permanently protected to compensate for the loss of burrowing owl habitat. The acreage shall be based on the maximum number of owls observed inhabiting the property for any given observation period, pre-construction survey, or other field visit. The protected lands shall be occupied burrowing owl habitat and at a location acceptable to CDFG. A report shall be submitted to the City describing the agreed</i></p>	<p>Community Development Department</p> <p>CDFG</p>	<p>Any time burrowing owls are detected on-site prior to or during construction</p>	

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		<p><i>upon location. First priority for habitat preservation shall be accomplished on-site. If the required acreage cannot be preserved on-site, second priority shall be given to habitat preservation at an off-site location within the Davis city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Davis city limits. Habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of burrowing owl habitat on the project site. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).</i></p>			
		<p>4.6-2(e) <i>If burrowing owl are determined to be actively using the site, a qualified biologist shall conduct an education session for project contractors and construction crews responsible for site demolition and/or grading operations before any ground disturbance work within the project area. The education session, shall include includes photos of burrowing owl for identification purposes, habitat description, limits of construction</i></p>	Community Development Department	Prior to ground disturbance	

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		<p><i>activities in the project area, and guidance regarding general measures being implemented to conserve burrowing owl as they relate to the project. A qualified biologist shall provide materials and instructions to train new workers, whose jobs involve initial ground disturbance, grading, or paving. Training for personnel finalizing exteriors and interiors would not be required.</i></p> <p>4.6-2(f) <i>A monitoring report of all activities associated with pre-construction surveys, avoidance measures, and passive relocation of burrowing owls shall be submitted to the City and CDFG no later than three days before initiation of grading.</i></p>	<p>Community Development Department</p> <p>CDFG</p>	<p>Three days prior to grading</p>	
4.6-3	Potential Impacts to Nesting Birds.	<p>4.6-3(a) <i>The removal of any buildings, trees, or shrubs shall occur from September 1 through December 15, outside of the avian nesting season. If removal of buildings, trees, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or between December 15 and August 31 (nesting season for raptors), a nesting bird survey shall be performed by a qualified ornithologist within 15 days prior to the removal or disturbance of a potential nesting structure, tree, or shrub, or the initiation of other construction activities. During this survey, a</i></p>	<p>Community Development Department</p> <p>CDFG</p>	<p>Prior to construction if buildings, trees, or shrubs are removed outside of September 1 through December 15</p>	

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		<p><i>qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, etc.) for nests in and immediately adjacent to the impact areas. A report of the survey findings shall be provided to the City and CDFG.</i></p> <p>4.6-3(b) <i>All vegetation and structures with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nest site. The size of the buffer zone shall be determined by the project biologist in consultation with CDFG and shall depend on the species involved, site conditions, and type of work to be conducted in the area.</i></p> <p>4.6-3(c) <i>A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity.</i></p>	CDFG	Prior to construction	
4.6-4	Potential Impacts to Special-Status Bat Species.	4.6-4(a) <i>A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernacula (structures used by bats for</i>	Community Development Department CDFG	Within 30 days prior to removal of trees or structures on the site	

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		<p><i>hibernation) is present, the following mitigation measures shall be implemented.</i></p> <p>4.6-4(b) <i>If active maternity roosts or hibernacula are found in trees or structures which will be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones, as determined by a qualified biologist in coordination with CDFG, shall be observed during the maternity roost season (March 1 - July 31).</i></p> <p>4.6-4(c) <i>If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during</i></p>	<p>Community Development Department</p> <p>CDFG</p> <p>CDFG</p>	<p>Prior to construction and before maternity colonies form or after young are volant</p> <p>If a non-breeding bat hibernacula is found in a tree or structure prior to removal of tree or structure</p>	

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		<p><i>darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.</i></p> <p>4.6-4(d) <i>If special-status bats are found roosting within trees or structures on-site that require removal, appropriate replacement roosts shall be created at a suitable location on site or off site in coordination with a qualified biologist, CDFG, and the City.</i></p>	CDFG	Prior to removal of tree or structure	
4.6-5	Potential Impacts to Nesting Swainson’s Hawk.	<p>4.6-5(a) <i>In order to ensure that nesting Swainson’s hawks will not be affected by construction on the project site, a qualified biologist shall conduct pre-construction surveys according to the CDFG and Swainson’s hawk Technical Advisory Committee guidelines (2000). Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10, and Period V from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project’s initiation and shall encompass the area within one half mile of the project site.</i></p>	<p>Community Development Department</p> <p>CDFG</p>	Prior to construction	

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		<p>4.6-5(b) <i>Because of the potential for Swainson’s hawk to nest on-site, potential adverse affects to this species shall be avoided by establishment of CDFG approved buffers around any active nests. No construction activities shall take place within 0.25 mile of the nest until the young have fledged, or authorization has been obtained from CDFG. Weekly monitoring reports summarizing nest activities shall be submitted to the City and CDFG until the young have fledged and the nest is determined to be inactive. Trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (late September to March) and in accordance with the CDFG “Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California,” November 8, 1994.</i></p>	<p>Community Development Department CDFG</p>	<p>Prior to construction activities and after young have fledged</p>	
		<p>4.6-5(c) <i>Replacement trees for any potential Swainson’s hawk nest trees removed as part of project construction must be planted either on-site or at a nearby site, and/or an in-lieu fee must be paid to the City of Davis Tree Preservation Fund as detailed in Mitigation Measure 4.6-7. The implementation of this measure is not intended to be duplicative of the mitigation for loss of trees contained in Mitigation Measure 4.6-7(c). Accordingly,</i></p>	<p>Community Development Department</p>	<p>During construction</p>	

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		<i>mitigation provided under Mitigation Measure 4.6-7(c) may also serve as mitigation under this measure, provided that the standards of this measure are met.</i>			
4.6-6	Potential Impacts to Swainson's Hawk Foraging Habitat.	4.6-6 <i>The project proponent will compensate for the loss of Swainson's hawk foraging habitat by providing Habitat Management lands (HM lands) to CDFG as defined in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (published by California Department of Fish and Game in 1994). If the proposed project is located within 1 mile of an active nest (used during one or more of the last five years, to be determined with preconstruction surveys) the loss of habitat will be compensated at a ratio of 1:1 (HM lands:urban development). The project proponent will provide HM lands through an in-lieu fee process prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, per the Agreement to Yolo County HCP/NCCP Joint Powers Agency. Credits will be purchased through the in-lieu fee program due to the lack of mitigation credits currently available at a bank. As of January 2007, the cost per acre for the in-lieu fee is \$8,660 payable to the Joint Powers Agency. Should the in-lieu fee be</i>	CDFG	Prior to construction	

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		<p><i>increased prior to clearance to grade the project site, the project proponent shall pay the in-lieu fee in effect at that time. The project proponent will issue a check to the Joint Powers Agency if mitigation is required. It is estimated that a total of 15.5 acres of Swainson’s hawk foraging habitat would be removed as a result of the project. The applicant shall pay the in-lieu fee for the 15.5 acres based on the removal of this Swainson’s hawk foraging habitat.</i></p> <p style="text-align: center;"><i>-Or-</i></p> <p><i>Prior to commencement of construction-related activities, the project proponent shall place and record one or more Conservation Easements that meet the acreage requirements of CDFG’s Swainson’s Hawk foraging habitat mitigation guidelines. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The City may, at its discretion, also be a party to the conservation easement(s). The conservation easement(s) shall be reviewed and approved in writing by CDFG prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the</i></p>	<p>Community Development Department</p> <p>CDFG</p>	<p>Prior to construction related activities</p>	

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Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign Off
		<i>Swainson's hawk.</i>			
4.6-7	Potential Impacts to Tree Removal.	<p>4.6-7(a) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a tree preservation plan, in compliance with Ordinance 37.03.010 in the City of Davis Municipal Code, shall be submitted to the Community Development Department and City Arborist for review and approval, which shall ensure the following measures:</i></p> <ul style="list-style-type: none"> • <i>Trees shall be cordoned off with chain link fence prior to construction as specified;</i> • <i>Soil compaction under trees is to be avoided;</i> • <i>The fence shall prevent equipment traffic and storage under the trees and should extend beyond the drip-line;</i> • <i>Excavation within this zone shall be accomplished by hand, and roots ½" and larger shall be preserved;</i> • <i>Proper fertilization and irrigation prior to and during the construction period shall be provided as specified;</i> • <i>New landscaping under existing trees shall be carefully planned to avoid any grade changes and any excess moisture in trunk area. Existing plants which have</i> 	<p>Community Development Department</p> <p>City Arborist</p>	Prior to construction related activities	

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		<p><i>compatible irrigation requirements and which complement the trees' color, texture and form are to be saved;</i></p> <ul style="list-style-type: none"> • <i>Trenching within the drip-line shall be performed only with prior approval of the Park and General Services Department. Boring is preferred when feasible;</i> • <i>All paving plans and specifications shall clearly prohibit the use of soil sterilants adjacent to preserved trees; and</i> • <i>Grade changes greater than one foot within the drip-line shall be avoided and nothing other than a saw shall be used for root cutting.</i> <p>4.6-7(b) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a sheet shall be included with the project plans, which indicates all of the trees identified. The tree report with corresponding descriptions of each tree by species, health, etc. should also be included. In addition, notes shall be included on the plans which clearly state protection procedures for trees that are to be preserved. Any tree care practices, such as cutting of roots, pruning the top, etc., shall be adequately described and shall have the approval of a representative of the Parks and</i></p>	Parks and General Services Department	Prior to construction related activities	

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		<p><i>General Services Department prior to execution. In the event of damage to existing trees, a penalty clause shall be replacement tree(s) of equal size in D.B.H. unless specified otherwise by the Parks and General Services Department.</i></p> <p>4.6-7(c) <i>Trees identified on the site as Trees of Significance, that are proposed for removal, shall be replaced either on site or at a nearby site deemed acceptable by the Director of the City of Davis Parks and General Services Department. The Director may require an in-lieu fee to be paid to the City of Davis Tree Preservation Fund instead of or in addition to tree replacement. The recommendations for avoidance of trees contained in Chapter 37 of the City of Davis Municipal Code (Tree Planting, Preservation, and Protection) should be adopted if feasible. If infeasible, the applicant should identify trees slated for removal on the site plan, including those with encroachments within 30-feet of the drip line of trees and develop a tree replacement plan that shall be reviewed and approved by the City prior to issuance of the grading permit. Tree replacement shall be implemented according to options outlined in Section 37.03.070 of the City's Municipal Code as follows:</i></p>	<p>Parks and General Services Department</p> <p>City Arborist</p>	<p>Prior to issuance of grading permit</p>	

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		<p>(i) <i>Replanting a tree(s) on site: Trees shall be planted in number and size so that there is no net loss in tree diameter at breast height (DBH). For example, if one tree is removed with a 12-inch DBH size, mitigation may consist of a replacement of equal size, two trees each 6-inch DBH, or four trees each 3-inch DBH. The replanted tree(s) shall be minimum 5 gallon size and of a species that will eventually equal or exceed the removed tree in size.</i></p> <p>(ii) <i>Replanting a tree(s) off site: If there is insufficient space on the property for the replacement tree(s), required planting shall occur on other property in the applicant's ownership or in City-owned open space or park, subject to the approval of the City Arborist and authorized property owners.</i></p> <p>(iii) <i>Payment to the Tree Preservation Fund in lieu of replacement: If in the City Arborist's determination no feasible alternative exists to plant the required mitigation, or there are other considerations for alternative mitigation, the applicant shall pay into the Tree Preservation Fund an amount determined by the Director based upon the ISA</i></p>			

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4.8-2	Increased stormwater runoff from the project site contributing to downstream flooding.	4.8-2 <i>In conjunction with the submittal of a tentative map, the project applicant shall submit a design-level engineering report on the stormwater detention and conveyance system to the City Engineer demonstrating that the proposed project peak flows into the existing 36-inch storm drain would not exceed 6.2 cfs. The report shall also demonstrate that peak flows from the site do not coincide with peak flows within Channel "A" and demonstrate how the system would function to adequately treat stormwater runoff prior to being discharged into Channel "A." Stormwater detention and conveyance plans shall be reviewed and approved by the City Engineer.</i>	City Engineer	In conjunction with tentative map submittal	
4.8-3	Construction-related impacts to surface water quality.	4.8-3 <i>Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent</i>	State Water Resources Control Board (SWRCB) Chief Building Official	Prior to construction and ground disturbance	

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		<i>feasible, adverse impacts to water quality from erosion and sedimentation. A copy of the SWPP including BMP implementation provisions shall be submitted to the Chief Building Official.</i>			
4.8-6	Cumulative impacts related to degradation of water quality.	4.8-6 <i>Implement Mitigation Measures 4.8-2 and 4.8-3.</i>	N/A	N/A	
4.9 Public Services and Facilities					
4.9-1	Ability of existing water conveyance facilities to meet project water demands.	4.9-1(a) <i>Prior to issuance of building permits, the East Area Tank, the East Area Main Upsize, and the West Area Main Upsize shall be included within the City's Capital Improvement Plan and fully funded for construction.</i> 4.9-1(b) <i>If the following is not included in the City's water connection charge at the time the water charge is paid for any unit in the project, then, in addition to the water connection charge, the project shall pay fair share fees for the above-listed improvements at the time of building permit issuance. This fair share shall include any additional costs that the City may incur to accelerate the timing of the above-listed projects.</i>	City Engineer City Engineer	Prior to issuance of building permits At building permit issuance	
4.9-2	Long-term availability of water supply to meet the project water demand.	4.9-2 <i>The project applicant shall pay fair share fees for the future water supply project(s) required to meet City demand beyond 2020 at the time of building permit issuance.</i>	City Engineer	Prior to issuance of building permits	
4.9-3	Increased demand for	4.9-3 <i>Prior to the approval of a tentative map for</i>	City Engineer	Prior to approval	

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	wastewater disposal.	<i>the Wildhorse Ranch project, the applicant shall submit a design-level wastewater report for the proposed project that demonstrates how the project's wastewater will be delivered to the Wastewater Treatment Plant. Included in the report shall be a determination of the capacity of downstream sewer lines and what improvements, if any, need to be constructed to accommodate and convey the project's additional wastewater, and the construction and operational costs of the options. The wastewater report shall be subject to approval by the City Engineer. The applicant shall be required to fully fund and construct the necessary wastewater improvements determined by the wastewater report.</i>		of tentative map	
4.9-4	Increased demand for fire protection services.	<i>4.9-4 Prior to the issuance of Certificates of Occupancy, the applicant shall pay all applicable major project impact fees per the impact fee schedule.</i>	Community Development Department	Prior to issuance of certificates of occupancy	
4.9-6	Increased demand for school resources.	<i>4.9-6 Prior to the issuance of building permits, the applicant shall show proof to the Community Development Department of payment of current SB50 and AB 16 school impacts fees.</i>	Community Development Department	Prior to issuance of building permits	
4.9-8	Increased demand for park and recreation services and facilities.	<i>4.9-8 Prior to the issuance of Certificates of Occupancy, the applicant shall pay in-lieu Quimby fees for required park acreage.</i>	Community Development Department	Prior to issuance of certificates of occupancy	
4.10 Climate Change					
4.10-1	Project impacts	<i>4.10-1 In conjunction with the submittal of a</i>	Community	In conjunction	

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	concerning the production of Green House Gasses.	<i>Tentative Map for the proposed project, the project applicant shall submit, for the review and approval of the Community Development Department, a sustainability plan, which demonstrates that the proposed project does not conflict with the goals and strategies of Executive Order S-3-05, the Attorney General’s suggested global warming mitigation measures, or City of Davis Resolution No. 08-166. The sustainability plan shall include, but not be limited to, the compliance measures listed in the right column of Table 4.10-6, which is labeled “Wildhorse Ranch Compliance.”</i>	Development Department	with submittal of Tentative Map	