

COVELL VILLAGE PROJECT

**RESOLUTION OF APPROVAL
EXHIBIT A**

CEQA FINDINGS OF FACT

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the COVELL VILLAGE PROJECT

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CEQA FINDINGS OF FACT for the COVELL VILLAGE 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 Covell Village Project. Pursuant to CEQA Guidelines Section 15168, a Program Level Environmental Impact Report has been prepared for the Covell Village 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 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 422.3 acres of land within Yolo County, California. The project site is generally located north of Covell Boulevard, between Pole Line Road and F Street as depicted on page 3-4 of the Draft volume of the FEIR. The site consists of a 382.76-acre parcel identified as Assessor's Parcel Number (APN) 035-970-033, and approximately 39.47-acres of APN 042-110-011, which adjoins the northwestern boundary of the 383.83-acre parcel.

FINAL REVISED PROJECT DESCRIPTION ("1,864 Alternative")

The City Council has identified as the "preferred project" a variation of the proposed project and High Density Alternative, known as the "1,864 Alternative". As modified for adoption, the preferred project consists of development of 422.3 acres into a mixed- use community including 1,864 housing units, 199,727 square feet of non-residential land uses in a 16.7-acre "village center", a 3.0-acre fire station site, a 9.8-acre elementary school site, a 4.8-acre hospice site, a 5.2-acre senior care facility (130 beds), and 83.75 acres of park and open space uses.

Land Use Type	Acres
<i>Open Space and Habitat Total</i>	<i>111.4</i>
Parks	11.3
Mini-Parks	12.3
Greenways	21.2
Covell Greenstreet	1.5
Pole Line Greenstreet	5.0
Habitat Channel	27.6
Restored Habitat	32.5
<i>Village and Community Uses Total</i>	<i>41.4</i>
Pre-School	1.0
School Site	9.8
Fire Station	3.0
Village Center	16.7
Hamlet Center	0.9
Senior Core Care Facility	5.2
Hospice	4.8

<i>Major Streets</i>	32.5
<i>Residential Uses</i>	237.1
Total	422.3
Note: Totals may not add due to rounding. Source: Covell Village Site Plan, Cunningham Engineering, October 12, 2004; revised May 24, 2005.	

The housing units and residential acreage break down as follows:

Housing Type	Total Number of Units
<i>Single Family Attached and Detached</i>	(1,065)
4,000 SF ¹ & below lots	465
4,001 SF to 5,500 SF lots	401
5,501 SF to 6,500 SF lots	119
6,501 SF and up lots	80
<i>Condominium and townhouse</i>	(259)
Six-Plex Cluster Homes	24
Co-Housing	30
Low/Mod Townhouses	12
Low/Mod Cooperative or Townhouses	108
Senior condominiums	85
<i>Multi-Family Rental</i>	(506)
Apartments outside of Village Center ²	456
Village Center Apartments	50
<i>Live / Work Units</i>	(34)
Mixed-Use (Live/Work Units) outside Village Center	14
Mixed-Use (Live/Work Units) in Village Center	20
TOTAL	1,864 ³
NOTE: This chart is based upon the best information available at this time. However, the project is expected to have final maps recording some 12 years into the future. As noted below, the square footage method of limiting apartments would result in a greater number of apartments, but a smaller average bedroom count (i.e. more one and two bedroom and less three and four bedroom). In addition, shifting of units from one category to another in the range of 5% is anticipated as the project evolves. The final designation of housing type and number will occur at tentative map. In each case, the project's continued conformance with the current environmental analysis will be tested as part of the 2 nd tier environmental review.	
¹ SF = Square feet	
² Apartment count may increase if total square footage limits are used in order to increase availability of one and two bedroom apartments.	
³ The total unit number of 1,864 does not include the Senior Core Care Facility (130 beds) or the hospice (16 beds).	

The Village Center uses break down as follows:

Land Use Type	Units
Retail	61,272 SF
Office	40,000 SF
Live/Work Residence	20 units
Apartments	50 units
Church	9,700 SF
Health Club	24,300 SF
Meeting	7,000 SF
Daycare	2,800 SF
Hotel	38,655 SF (58 rooms)
Major Restaurant	6,000 SF
Gas Station w/ Market	<i>Deleted</i>
Community Recreation Bldg	10,000 SF

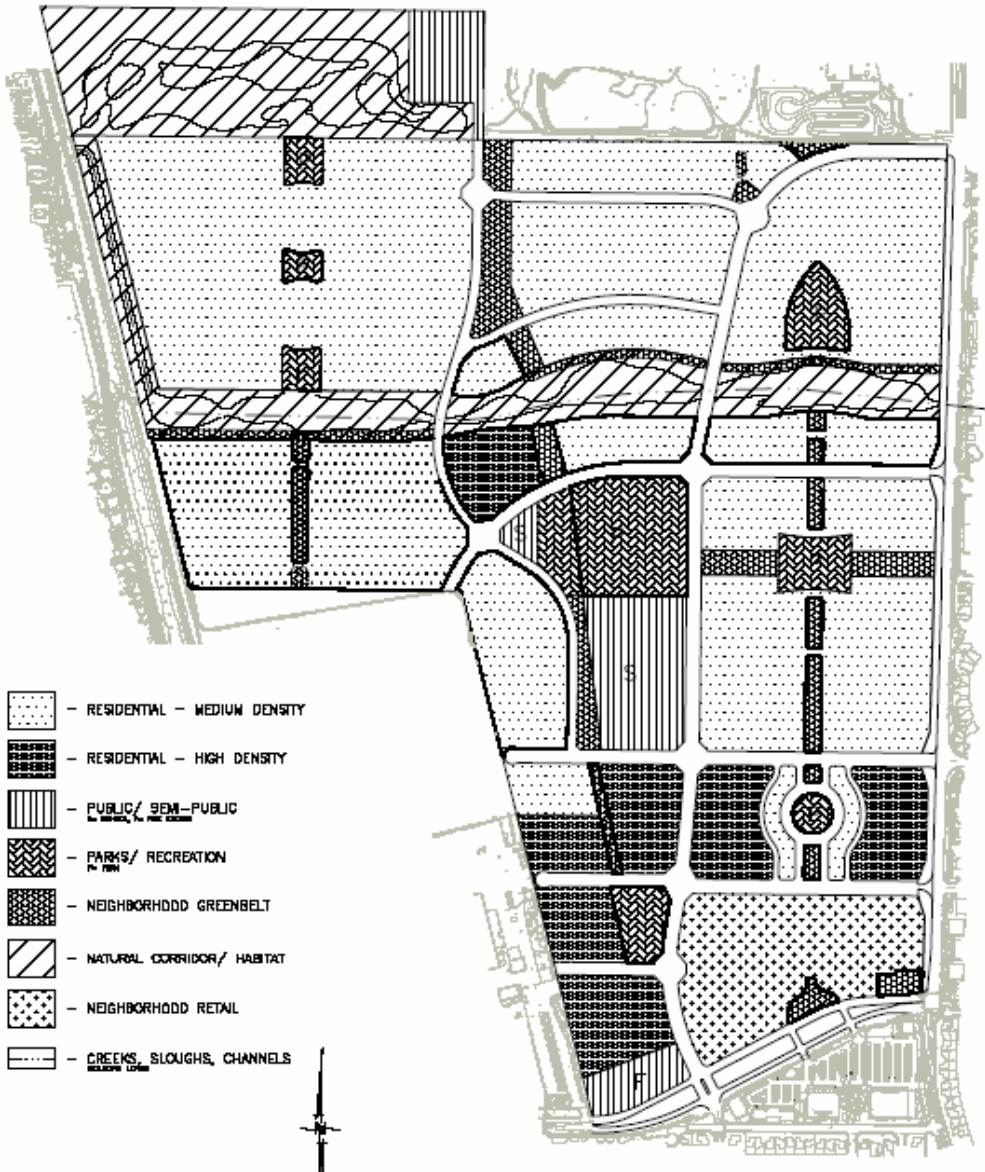
The project also includes the following components:

- nine grade separated bicycle/pedestrian crossings
- Covell Boulevard median improvements
- establishment of a new bus line to serve the site along L Street
- connections to the City's water, sewer, and storm drainage systems
- new deep aquifer well to provide potable water to serve the project
- off-site detention ponds on up to 90 acres
- relocation of three on-site groundwater monitoring wells
- closure of two of four existing water wells on-site
- off-site habitat and agricultural land mitigation on 766 acres located north of the City limits in City-designated target areas
- dedication of land and funding for construction and operation of fire station

The General Plan land use designations for the project would be as follows:

Designation	Acres
Residential – Medium Density	198.49
Residential – High Density	38.57
Neighborhood Retail	16.77
Public/Semi-Public	20.16
Parks/Recreation	23.57
Neighborhood Greenbelt	14.01
Natural Habitat Area	58.80

**COVELL VILLAGE
GENERAL PLAN USE DESIGNATIONS**



SECTION 15088.5 ANALYSIS

As part of the final approval package for the Covell Village Project, the City has prepared an analysis of whether the thresholds for recirculation as identified in Section 15088.5 of the CEQA Guidelines have been triggered (see pages 1-8 through 1-13 of the third volume of the FEIR). The analysis demonstrates that the modified project, as adopted by the City

Council, falls within the scope of the EIR analysis. The analysis supports the findings that: 1) no new significant environmental impact would result from adoption and implementation of the project as modified; and 2) a substantial increase in the severity of an environmental impact would not result from adoption and implementation of the project as modified.

The City Council hereby finds that the potential impacts from the Covell Village Project (“1,864 Alternative”) fit within the range of impact analysis contained in the EIR. There are no substantial changes in the project or the circumstances under which the project is being undertaken, that necessitate revisions of the EIR. Nor has new information become available. The analysis demonstrates that the circumstances, impacts, and mitigation requirements identified in the EIR remain applicable to the project, and supports the finding that the project as modified does not raise any new issues and does not cause the levels of impacts identified in the EIR to be exceeded.

The modified Covell Village Project does not result in any new impacts, nor does it cause the level of significance for any previously identified impacts to change. No new mitigation measures are required, though some rewording and revisions are appropriate. These are identified, along with others, in under Section B (Final Disposition of Mitigation Measures) in Exhibit B. The City Council hereby determines, based on the standards provided in Section 15088.5 of the CEQA Guidelines, that recirculation of the EIR is not required.

PROJECT OBJECTIVES

The following objectives for the project were provided by the applicant (Draft Volume One of EIR, page 3-27):

1. Make efficient use of infill lands largely surrounded by urban uses or other uses preventing economic farming;
2. Ensure a net positive impact on the school system for the district, community and student body;
3. Complete aesthetically pleasing parks, greenbelts, and bikeways that enhance and encourage pedestrian and bicycle circulation and serve as a buffer between potentially incompatible land uses;
4. Build extensive habitats that serve as focal points within the community and the region;
5. Develop a project from which it is economically practical to support slow, balanced growth to help stabilize the community’s housing market;
6. Develop a carefully designed mixed-use plan that meets the needs and desires of the citizens of Davis by accommodating a wide variety of housing types, prices and

lifestyles and which addresses Davis’s high cost of housing while preserving open space;

7. Ensure the economic success of the neighborhood retail components of Covell Village by including a sufficient number of nearby dwelling units;
8. Make available sites for centrally located community facilities and public services, including a fire station to serve residents of Covell Village and the rest of Davis;
9. Complete a residential land plan that provides a broad size range of quality, single-family and attached homes that offer diverse neo-traditional designs and craftsmanship in an aesthetic streetscape largely free of driveways, garages or cars in the front yards;
10. Ensure the existence of a high proportion of low and moderately-priced, medium-density housing to meet the needs of a diverse population;
11. Ensure a high proportion of affordable housing that is consistent with the overall project theme and meets the City’s housing goals;
12. Provide sufficient revenues such that funds are available for significant community donations towards the common good are possible in the forms of land, funding and other resources; and
13. Develop the Village center area into a prototype for the conversion of existing conventional shopping centers into focal points for pedestrian-friendly villages to begin Davis’s evolution from what has become auto oriented suburban development into a community which supports its downtown with effectively located sub-centers designed to encourage bicycle and foot traffic in all parts of the City.

SECTION C.

BACKGROUND AND HISTORY

Crossroads Place Project

The Covell Village project was previously known as the Crossroads Place Project. In 1989, the City of Davis prepared a Draft EIR assessing the potential environmental impacts of the Crossroads Place Project. The 1989 Crossroads Place Project site was proposed to include 230 acres and would have been developed to include 1,406 residential units, accompanying parks and greenbelt areas, and three acres of commercial uses.

In November and December 1989, the Crossroads Place Draft EIR was circulated for a 45-day public review period. The Draft EIR was also reviewed by the Planning Commission at a public hearing on December 19, 1989. Because of the magnitude of revisions and additions to the previous Draft EIR, in addition to new air quality, noise, wetland, and Swainson's hawk analyses, the City intended to re-circulate the final EIR for another 45-day public review period. During the preparation of the Final EIR, the City revised the General Plan transportation and circulation element traffic analysis to correct errors in the original 1987 General Plan traffic analysis that was used in the EIR as the basis of the Crossroads Place project-related traffic analysis and cumulative impact analysis; therefore, completion of the Final EIR was delayed. The revised analysis, completed in January 1991, corrected the land use database errors and updated the land use information to include the most recently adopted General Plan amendments through November 1990. During preparation of the revised transportation and circulation element traffic analysis, the developer redesigned the project to minimize the extent of the significant and unavoidable noise impacts resulting from the project's proximity to the cannery. In addition, project delay caused the previous EIR's baseline information to become outdated. Therefore, the City decided to revise the previous Draft EIR, analyze the revised project description, update the 1987 baseline information, and incorporate public comments on the previous EIR effort. COMSIS Corporation was retained to correct problems with the traffic model, update land use projections used in the model, and update the City's Transportation and Circulation Element. The 1989 and 1991 Draft EIR's were not certified by the City of Davis.

In November 1992, a Draft EIR was prepared for the most recent version of the Crossroads Project. The revised Crossroads Place project site was comprised of 383 acres and consisted of 1,466 residential units, accompanying parks and greenbelt areas, a fire station site, a school site, and 24 acres of commercial uses. The public review period for the Draft EIR ended in January 1993. In August 1993, the City adopted a new Transportation and Circulation Element (TCE) of the General Plan. City staff determined that a supplemental traffic analysis was needed for the Crossroads project to ascertain that project's consistency with the TCE. The owners of the land did not pursue this study, and processing of the project was not completed.

Covell Center Project

The Covell Center Project was the next project to be proposed for the site. The Covell Center Project comprised a request for an amendment to the City of Davis General Plan, rezoning, and preliminary planned development, and annexation to the City of Davis to develop a mixed-use development on 386 acres consisting of 688 residential units, a 76.9-acre sports complex, 22 acres of business park/office uses, 12 acres of service commercial/light industrial uses, 4.5 acres of recreational commercial uses, and a fire station site.

A Draft EIR was prepared to analyze the environmental effects of the project proposal. The Covell Center Draft EIR was circulated for a 45-day public review period beginning March 3, 1997. The Covell Center Draft EIR was not certified.

2001 General Plan Update

The 2001 Davis General Plan and General Plan Update EIR refers to the current Covell Village project as “Covell Center.” The 2001 Davis General Plan Update EIR analyzed five (5) alternatives. City of Davis staff has indicated that Alternative 3, the Reduced Buildout Alternative, was adopted by City Council. Under this alternative, the only growth and development in the City to 2010 is that which is already entitled (meaning the land has a General Plan designation, zoning, or rezoning, and in many instances, a development agreement). The Covell Center site continued to be designated as agriculture. This alternative could add 3,412 housing units (1,650 low, 108 medium, and 1,654 high density) and about 4.2 million square feet of nonresidential use. Three variations of the Covell Village project site were evaluated in the General Plan Update EIR for Alternative 3 – the Reduced Buildout Alternative.

Alternative 3 - Variation 1

The entire project site is designated as Agriculture.

Alternative 3 - Variation 2

The entire project site is designated as Urban Reserve.

Alternative 3 - Variation 3

320 acres of the project site are designated as Urban Reserve and 60 acres are designated for a Business Park.

The City ultimately approved Variation 1, designating the entire project site as Agriculture.

PROJECT TIMELINE

November 22, 2003 – Covell Village Project application received.

June 17, 2004 through July 16, 2004 – 30-day review and comment period for Notice of Preparation (NOP) for Draft EIR.

June 30, 2004 -- Public scoping meeting

July 26, 2004 – Business and Economic Development Commission meeting

July 28, 2004 – City Council/Planning Commission workshop

September 29, 2004 – Planning Commission forum

October 21, 2004 – Recreation and Parks Commission meeting

October 21, 2004 – Tree Commission meeting

October 25, 2004 – Business and Economic Development Commission meeting

October 27, 2004 – Planning Commission meeting

November 1, 2004 – Open Space Commission meeting

November 4, 2004 – Safety Advisory Committee meeting

November 9, 2004 – Senior Citizens Commission meeting

November 22, 2004 – Natural Resources Commission meeting

December 6, 2004 – Open Space Commission meeting

December 9, 2004 – Senior Citizens Commission meeting

December 10, 2004 through January 28, 2005 – 50-day review and comment period for Draft EIR

December 20, 2004 – Business and Economic Development Commission meeting

January 8, 2005 – City Council workshop

January 10, 2005 – Social Services Commission meeting

January 10, 2005 – Finance and Budget Commission meeting

January 10, 2005 – Open Space Commission meeting

January 12, 2005 – Planning Commission hearing to receive DEIR comments

January 13, 2005 – Senior Citizens Commission meeting

January 19, 2005 – Safety Advisory Commission meeting

January 22, 2005 – City Council workshop

January 24, 2005 – Open Space Committee meeting

January 25, 2005 – City Council meeting
February 8, 2005 – City Council hearing
February 10, 2005 – Natural Resources Commission meeting
February 14, 2005 – Finance and Budget Commission meeting
May 17, 2005 – City Council/Planning Commission hearing
May 18, 2005 – Planning Commission hearing
May 25, 2005 – Civic Arts Commission meeting
May 25, 2005-- Finance and Budget Commission meeting
May 25, 2005 – continued Planning Commission hearing
June 6, 2005 – Open Space Commission meeting
June 7, 2005 – City Council hearing
June 14, 2005 – City Council hearing
June 21, 2005 – Final City Council hearing
November 1, 2005 – Public vote on project pursuant to Measure J

SECTION D.

THE FINAL EIR

The Final EIR for the project includes the following items:

- 1) Draft EIR (SCH #2004062089), two volumes, dated December 2004.
- 2) Final EIR, two volumes, dated May 2005.
- 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:

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

SECTION E.

DISCRETIONARY ACTIONS

The discretionary actions for approval of this project are identified as follows:

- Certification of the EIR (SCH #2004052089);
- Approval of the General Plan Amendment #4-02;
- Approval of Development Agreement #1-02;
- Authorization of Annexation #1-02
- Approval of Phased Allocation Plan #1-02
- Approval of Affordable Housing Plan #3-02;
- Direction to Call For Measure J Election and Establishing Baseline Project Features and Master Plan.

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

- Rezoning and preliminary planned development approval;
- Tentative subdivision map approval;
- Final planned development approval;
- Conditional use permits where applicable;
- Design Review;
- Final subdivision map approval;
- Site plan/building plan approval;
- Issue demolition permits, grading permits, and building permits;
- Conduct final inspections and issue occupancy permits; and
- Complete other processing as required.

In addition to the City of Davis approvals, the following subsequent approvals are also required before implementation of the proposal:

- LAFCO approval of the annexation request;
- U.S. Department of the Army Corps of Engineers permit under Section 404 of the Clean Water Act;
- Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code;
- Regional Water Quality Control Board approval for relocation of monitoring wells;
- Yolo County approval to split APN 042-110-11.
- Encroachment permit from California Northern Railroad; and
- Encroachment permit from PG&E.

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 some cases, modifications were made in the DEIR and to

proposed mitigations in the DEIR to update, clarify, streamline, correct, or revise the measure.

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 Covell Village Project will result in the following benefits for the City and City residents (in no relative order):

Economic and Fiscal:

- The project will provide additional shopping opportunities for Davis residents and provide sales tax benefits to the City of Davis.
- The project provides a location for small to medium sized community retail stores.
- The project phasing plan provides greater certainty, assisting in infrastructure and budget planning.
- The development is expected to have a net positive impact on the City's operational cash flow. The project will provide a positive fiscal benefit to the City estimated at \$66,000 per year.
- The total financial benefit to the City operating budget from the Development Agreement is approximately \$14 million over the 10 years of project buildout.
- The developer will maintain all green spaces (parks, greenbelts, habitats, and greenstreets) for a total of five-and-a-half years from the final map, plus the additional time to accommodate transfer of maintenance responsibility to the City in January. This will offset over \$2.1 million in City maintenance costs through the first 11 years of the project. This represents an average annual benefit of \$198,000 per year. This benefits both the City and the future residents of the project, because otherwise green space improvement might be delayed due to City concerns about maintenance costs.
- As part of the Development Agreement, the applicant has committed to a series of contributions to assist the City's operating budgets. The prime contributions will be annual operating subsidies, beginning with \$1.8 million fifteen months after recordation of the first final subdivision map. The payments decline to \$1 million in years 8 and 9. These contributions total \$12.1 million to the City General Fund. Although the Council subcommittee's vision is that these will be used for provision of police and fire services to serve the project (and the remainder of the community) final determination will be made during the annual budget process.
- Under the terms of the Development Agreement, public art will be funded by the applicant as a percentage of public infrastructure and private non-residential

construction. The public art funds will subsidize an outdoor performing space and other public art within the project site.

Housing:

- The project will provide 388 affordable units (or equivalent) for low and moderate-income households, and 400 units for middle-income households.
- The project responds to the City's internal housing needs study, the SACOG process, 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 housing plan provides for a wide variety of home sizes, types, prices, and phasing consistent with the City Council's housing objectives.
- The proposed small-lot single-family units are an appropriate choice for the workforce housing that has been identified as a City Council goal.
- The project satisfies the City's standard requirements for low- and moderate-income housing, plus the newly-established middle-income goals. Under the provisions of the Development Agreement, the project housing plan includes the following components: 1) Dedication of 8.5 acres of land in two parcels, with a credit of 20 units per acre, for 170 units affordable to very-low and low-income households. 2) Equivalent of 21 permanently affordable rental units for clients of Yolo Continuing Care Coalition. 3) Equivalent of 53 permanently affordable rental units for low-income households in two mixed-income multifamily developments. 4) 144 for-sale units affordable to low and moderate-income households. 5) 400 middle-income units, for households ranging from 120 to 180 percent of median.
- The middle-income proposal exceeds the city-standard requirement of 272 households affordable to households with incomes up to 160% of median. The additional units would be for households in the 120-160% range (28 units) and households from 160-180% of median (100 units).

Public Safety:

- The Development Agreement makes provision for both construction and operating subsidies for the fire station. The site will be transferred to the City with the second final map. Construction would be complete one or two years later.
- The project will provide land (3.0 acres total of which 1.7 is a non-reimbursable dedication), capital funds (of \$4.2 million for a minimum 12,000 square foot facility), equipment funds (\$425,000) and operating funds (of \$1.2 million for ten years) for

the fire station, necessary to meet General Plan goals for public safety response times in existing neighborhoods.

- The fire station site has been shifted to the southwest corner of Covell Boulevard and the main north-south street which provides better access for the station and eliminates potential conflicts from emergency vehicles attempting to turn left on Covell in order to head east.
- The size of the fire station site has been increased to three acres as requested by the Fire Chief.

Recreation:

- The project will provide land and \$2.75 million towards construction of a minimum 10,000 square foot community recreation building to house community recreation programs and non-profit operations. The City's Parks Master Plan identifies the need for additional community buildings but the Capital Improvements Plan does not include construction funds.
- The project exceeds the park land and greenbelt goals of the General Plan.
- Parks and greenbelts will be developed concurrently with the residential development. The draft Development Agreement makes provision for all parks and greenbelts to be improved within two years of the final map creating the adjacent residential properties. The Village Center infrastructure, Covell Boulevard improvements, and Covell undercrossing would be completed with the Phase 3 improvements. The majority of the park and Channel A improvements would be completed by Phase 5 of development.

Schools:

- The arrangement between the applicant and the school district will result in the preservation of Nugget Fields for community recreation use.
- The DJUSD has stated that the project school mitigation package provides full mitigation.

Growth:

- The project will provide an appropriate location for the 60 percent of the City Council's one percent growth parameter that is anticipated to be on "greenfields" sites.

- The project responds to this growth pressure in a way that embraces community values and reduce community impacts.
- The project has a conservative phasing plan that ensures growth occurs in a slow, metered fashion over a ten-year period.
- 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. The Covell Village site is explicitly covered by Measure J. 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, significant project design features, and phasing.

Design:

- The project design reflects “New Urbanist” design principles espoused by the applicant while also reflects the environmental values of Davis.
- The project maximizes opportunities presented by this type of multi-year, master plan concept to meet various city/community needs in terms of schools, fire station, greenbelt, trail connections, parks and community facilities, drainage improvements and similar needs.
- The project promotes a master plan that equitably distributes housing of various sizes, types and prices, with project amenities reasonably allocated and accessible to all neighborhood residents.
- The project promotes a cutting edge project containing a variety of conservation and environmentally friendly elements.
- In response to public comment and staff concerns, the project has been modified to increase density, decrease future home prices, and result in more efficient use of land for homes meeting community needs.
- Under the terms of the Development Agreement, each single-family attached or detached unit will have a minimum 1 kW photovoltaic system, all residential units will exceed Title 24 standards by 10 percent, and shallow-well irrigation systems will be installed for parks and greenbelts unless precluded by law.
- Under the terms of the Development Agreement, senior homes, and a portion of the other single-family homes, will meet minimum visitability standards unless precluded by site grading. Visitability features will be an option for middle-income buyers.

- The project site is optimally located for urban development because it is surrounded on three sides by urban uses. The location is predominantly surrounded by urban development, including the former City landfill and sewer treatment plant on the north edge of the site. Covell Boulevard and Pole Line Road are major arterials. The site is well-served by transit, neighborhood services, and schools.

Circulation:

- The project provides for safe and effective integration between the commercial components of the subject project and the existing Oak Tree Plaza center across Covell Boulevard.
- The project provides bicycle connections from Wildhorse to Northstar.
- Development will occur generally from east to west, so that vehicle access can be provided to Pole Line Road through the construction period.
- The EIR establishes traffic mitigation measurements which will be required with development of the site. In addition, the draft Development Agreement requires the developer to provide \$500,000 to the City of Davis for traffic calming on J Street, L Street, and Claremont Avenue. These improvements are envisioned to be similar to those in the Pole Line Corridor Plan but final project decisions will be made only after consultation with neighborhood residents and property owners.
- Under the terms of the Development Agreement, the developer and property owners will indefinitely fund a transit district to support Unitrans and offer free bus service to and from the project.
- The project will contribute to an integrated off-road network linking Sandy Motley Park and Nugget Fields to Northstar Park and points west.

Agriculture:

- The agricultural mitigation package accompanying this project will help limit future urban sprawl and agricultural land conversion.
- The project agricultural mitigation concept will result in 776 acres of important farmland being permanently preserved off-site (including 722 acres directly north of the City limits) via conservation easement, as follows: 1) 645 acres directly adjacent to the Covell Village urbanized area, extending north to intersect with the corner of Willow Slough; 2) 77 net acres directly north of Northstar to be deeded to the City of Davis for organic farming; and 3) 54 acres to be provided through easement in one of the areas identified by the City Council as target preservation locations.

SECTION K.

FINDINGS ON ALTERNATIVES

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR examines 13 alternatives to the proposed project. Six of these (Alternatives 1, 2, 3, 4, 5, and 6) were rejected from further analysis after initial consideration, five were analyzed at a comparative level of detail (Alternatives 7, 8, 9, 10, 11) consistent with the requirements of CEQA, one (Alternative 12) was comprehensively analyzed throughout Chapter 4 of the DEIR at a level of detail equal to that of the project, and one (Alternative 13 which is a variant of the proposed project and Alternative 12) was ultimately adopted as the preferred project.

The alternatives that were analyzed are as follows:

- Alternative 1 – Area South of Channel A and North Half of Con Agra
- Alternative 2 – Covell Village Area South of Channel A
- Alternative 3 -- Lower Portion of Covell Village and All of Con Agra
- Alternative 4 – Lower Portion of Covell Village and North Half of Con Agra
- Alternative 5 – Reduced Build Out of Covell Village
- Alternative 6 – Offsite Peripheral
- Alternative 7 – No Project/No Build
- Alternative 8 – Reduced Acreage
- Alternative 9 – Reduced Intensity
- Alternative 10 – Offsite
- Alternative 11 – Four Sites
- Alternative 12 – High Density
- Alternative 13 – 1,864 Alternative
- Proposed Project

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 the other alternatives 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 – Area South of Channel A and North Half of Con Agra

Alternative 1 consists of development of 297 (247 at Covell Village and 50 at Con Agra) acres with 1,400 units on 176.3 acres, 40 acres of commercial and other non-residential uses, 67 acres (22.5 percent) of parks and open space, and 13.7 acres of arterials streets. Gross residential density would be 7.9 du/ac. This alternative includes an additional 136 acres identified as Urban Reserve, for development beyond 2015.

This alternative was rejected from comparative analysis in Chapter 5 of the EIR in favor of Alternative 8. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

This alternative was rejected primarily because another similar alternative (Alternative 8) was chosen to be comparatively analyzed, and it was concluded that in light of Alternative 8, this alternative would provide not additional information necessary for a reasonable and adequate alternative analysis. Alternative 8 was found to be superior for analysis over this alternative because it would not introduce new properties or property owners and would not include Urban Reserve. Regarding the Con Agra property, on July 16, 2004 a pre-application for the Con Agra site was submitted to the City by another property owner that controls that site. The Covell Village applicant does not control the Con Agra property. Regarding Urban Reserve, the inclusion of Urban Reserve designated land renders this alternative infeasible under Measure J. Measure J does not practically allow for designation to Urban Reserve; it requires a defined project. Alternative 8 was developed to address these issues and allow for a more clear, feasible, and reasonable alternatives analysis.

This alternative would fail to meet Project Objective 3 because it would not result in the bicycle connections sought by the City. The undercrossing north of Channel A is not a part of this alternative thus precluding full east/west connections for bicycle circulation.

Alternative 2 – Covell Village Area South of Channel A

Alternative 2 consists of development of 247 acres of the Covell Village site with 1,400 units on 133 acres, 40 acres of commercial and other non-residential uses, 62.6 acres (25.3 percent) of parks and open space, and 11.4 acres of arterial streets. Gross residential density would be 10.5 du/ac. This alternative includes an additional 136 acres identified as Urban Reserve, for development beyond 2015.

This alternative was rejected from comparative analysis in Chapter 5 of the EIR in favor of Alternative 8. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

This alternative was rejected primarily because another similar alternative (Alternative 8) was chosen to be comparatively analyzed, and it was concluded that in light of Alternative 8, this alternative would provide not additional information necessary for a reasonable and adequate alternative analysis. Alternative 8 was found to be superior for analysis over this alternative because it would not include Urban Reserve. The inclusion of Urban Reserve designated land renders this alternative infeasible under Measure J. Measure J does not practically allow for designation to Urban Reserve; it requires a defined project. Alternative 8 was developed to address these issues and allow for a more clear, feasible, and reasonable alternatives analysis.

This alternative would fail to meet Project Objective 3 because it would not result in the bicycle connections sought by the City. The undercrossing north of Channel A is not a part of this alternative thus precluding full east/west connections for bicycle circulation.

Alternative 3 – Lower Portion of Covell Village and All of Con Agra

Alternative 3 consists of development of 232 acres (132 at Covell Village and 100 at Con Agra) with 1,400 units on 135.2 acres, 40 acres of commercial and other non-residential uses, 46 acres (19.8 percent) of parks and open space, and 10.7 acres of arterial streets. Gross residential density would be 10.4 du/ac. This alternative includes an additional 251 acres identified as Urban Reserve, for development beyond 2015.

This alternative was rejected from comparative analysis in Chapter 5 of the EIR in favor of Alternative 8. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

This alternative was rejected primarily because another similar alternative (Alternative 8) was chosen to be comparatively analyzed, and it was concluded that in light of Alternative

8, this alternative would provide not additional information necessary for a reasonable and adequate alternative analysis. Alternative 8 was found to be superior for analysis over this alternative because it would not introduce new properties or property owners and would not include Urban Reserve. Regarding the Con Agra property, on July 16, 2004 a pre-application for the Con Agra site was submitted to the City by another property owner that controls that site. The Covell Village applicant does not control the Con Agra property. Regarding Urban Reserve, the inclusion of Urban Reserve designated land renders this alternative infeasible under Measure J. Measure J does not practically allow for designation to Urban Reserve; it requires a defined project. Alternative 8 was developed to address these issues and allow for a more clear, feasible, and reasonable alternatives analysis.

Another reason to reject this alternative is that it includes all of the Con Agra site. The City rezoned the Con Agra site in 2000 to create additional opportunities for business park development. Changing the use of the property to residential would be inconsistent with the City's vision of creating employment opportunities in that area.

Full build-out of the Con-Agra site would result in significant increases in the amount of traffic at nearby intersections. (DEIR, p. 5-27.) The Con-Agra site contains an old factory building. This old factory building presents potential industrial hazards that are not present in the 1864 plan. This site may contain risks of impacts from pesticides, asbestos, lead-based paints, above and below ground storage tanks, wells and PCB transformers. (DEIR, p. 5-29.)

This alternative would fail to meet Project Objective 3 because it would not result in the bicycle connections sought by the City. The undercrossing north of Channel A is not a part of this alternative thus precluding full east/west connections for bicycle circulation.

Alternative 4 – Lower Portion of Covell Village and North Half of Con Agra

Alternative 4 consists of development of 182 acres (132 at Covell Village and 50 at Con Agra) with 1,400 units on 91.9 acres, 40 acres of commercial and other non-residential uses, 41.7 acres (22.9 percent) of parks and open space, and 8.4 acres of arterial streets. Gross residential density would be 15.4 du/ac. This alternative includes an additional 251 acres identified as Urban Reserve, for development beyond 2015.

This alternative was rejected from comparative analysis in Chapter 5 of the EIR in favor of Alternative 8. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

This alternative was rejected primarily because another similar alternative (Alternative 8) was chosen to be comparatively analyzed, and it was concluded that in light of Alternative 8, this alternative would provide not additional information necessary for a reasonable and adequate alternative analysis. Alternative 8 was found to be superior for analysis over this

alternative because it would not introduce new properties or property owners and would not include Urban Reserve. Regarding the Con Agra property, on July 16, 2004 a pre-application for the Con Agra site was submitted to the City by another property owner that controls that site. The Covell Village applicant does not control the Con Agra property. Regarding Urban Reserve, the inclusion of Urban Reserve designated land renders this alternative infeasible under Measure J. Measure J does not practically allow for designation to Urban Reserve; it requires a defined project. Alternative 8 was developed to address these issues and allow for a more clear, feasible, and reasonable alternatives analysis.

This alternative would fail to meet Project Objective 3 because it would not result in the bicycle connections sought by the City. The undercrossing north of Channel A is not a part of this alternative thus precluding full east/west connections for bicycle circulation.

Alternative 5 – Reduced Build Out of Covell Village

Alternative 5 consists of development of 132 acres of the Covell Village site with 785 units on 78.7 acres, 20 acres of commercial and other non-residential uses, 27.2 acres (20.6 percent) of parks and open space, and 6.1 acres of arterial streets. Gross residential density would be 10.0 du/ac. This alternative includes an additional 251 acres identified as Urban Reserve, for development beyond 2015.

This alternative is substantially the same as Alternative 9 which reduces the intensity of development by allowing lower densities. This alternative was rejected from comparative analysis in Chapter 5 of the EIR in favor of Alternative 9. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

This alternative was rejected primarily because another similar alternative (Alternative 9) was chosen to be comparatively analyzed, and it was concluded that in light of Alternative 9, this alternative would provide not additional information necessary for a reasonable and adequate alternative analysis. Alternative 9 was found to be superior for analysis over this alternative because this alternative includes Urban Reserve. The inclusion of Urban Reserve designated land renders this alternative infeasible under Measure J. Measure J does not allow for practically designation to Urban Reserve; it requires a defined project. Alternative 9 was developed to address this issue and allow for a more clear, feasible, and reasonable alternatives analysis.

Furthermore, the City is desirous of achieving an extensive mix of housing at densities similar to those advocated in the SACOG Blueprint model. This alternative proposes one of the lower densities of all the alternatives.

Alternative 6 – Off Site Peripheral

Alternative 6 consists of development of 235 acres (100 at Con Agra, 45 at Signature, and 90 at other undetermined sites) with 1,400 units on 129.3 acres, 40 acres of commercial and other non-residential uses, 59.8 acres (25.4 percent) of parks and open space, and 10.8 acres of arterial streets. Gross residential density would be 10.8 du/ac. This alternative includes no additional acreage identified as Urban Reserve for development beyond 2015.

This alternative was rejected from comparative analysis in Chapter 5 of the EIR in favor of Alternative 11. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

This alternative was rejected primarily because another similar alternative (Alternative 11) was chosen to be comparatively analyzed, and it was concluded that in light of Alternative 11, this alternative would provide not additional information necessary for a reasonable and adequate alternative analysis. Alternative 11 was found to be superior for analysis over this alternative because it would not include unidentified properties or property owners and would not include Urban Reserve. The Covell Village applicant does not control the Con Agra or Signature properties, and the third property remains unspecified which precludes anything but remote speculation as to impacts.

Because of the fragmented ownership, this alternative would be unlikely to provide the comprehensive park, fire station, school mitigation, community building, and other benefits included in the preferred project.

Regarding Urban Reserve, the inclusion of Urban Reserve designated land renders this alternative infeasible under Measure J. Measure J does not practically allow for designation to Urban Reserve; it requires a defined project. Alternative 8 was developed to address these issues and allow for a more clear, feasible, and reasonable alternatives analysis.

Furthermore, this alternative would not provide the mix of housing types or number of housing units (density) desired by the City. The City is desirous of achieving an extensive mix of housing at densities similar to those advocated in the SACOG Blueprint model.

Alternative 11 was developed to better address these issues and allow for a more clear, feasible, and reasonable alternatives analysis.

Alternative 7 – No Project/No Build

Under this alternative the project site would remain active agricultural land. The land would not be annexed to the City. It would remain under the jurisdiction of the County. There would be no change in the existing environmental setting.

This alternative was analyzed comparatively in Chapter 5 of the EIR. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Project Objectives: According to the CEQA guidelines, feasible alternatives must meet the basic objectives of the project. The “No Project” option achieves none of the objectives. This plan does not increase the number of low and moderately priced homes, it does not generate revenue or create jobs for the city, it does not have a net positive effect on the school system, nor does it increase the amount of pedestrian-friendly shopping areas in Davis. (DEIR, p. 5-10.)

This plan also omits the building of a new fire station. Currently Davis is unable to meet its “5 minute response time” goal for the fire fighting needs of its citizens. A fire station at this location would allow the city to reach that goal. (DEIR, p. 4.12-9; FEIR, pp. 2-112 – 2-113.) By eliminating the fire station, the “No Project” plan fails to meet that basic objective.

Avoiding or substantially lessening significant effects of the project: Under this alternative, the site would remain undeveloped, so the impacts of developing the site would not occur. The conversion of agricultural land would not occur. At the same time, however, it should be noted that the site is located on three sides by existing urban development. Thus, if the site remains in agriculture, the interface of existing development and continuing agricultural operations would continue to create land use compatibility problems, such as odors and dust generation.

In addition, under this alternative, 722 acres of agricultural land adjacent to the City would not be permanently protected. This land could be subject to development pressures. If developed, this land would result in less contiguous patterns of urban development than would the project.

Feasibility: This alternative is economically feasible, in the sense that development costs would be avoided. At the same time, however, the City would forego the amenities and fiscal benefits associated with the preferred project. In particular, the City would forego the construction and subsidy of a fire station that is needed to comply with the City’s response-time standards.

The City is in the midst of obtaining a revised NPDES permit from the Regional Board for the City’s wastewater treatment plant. The new permit is likely to require tertiary treatment of wastewater prior to discharge. It is estimated that the cost of upgrading the plant may cost as much as \$100 million to comply with more stringent water quality standards. The project will help the City finance this upgrade, in that the City will be able to spread this fixed cost over a larger number of residential units.

The Con Agra site is located within the existing City limits. Conceptual plans have been released for the redevelopment of this site. Infrastructure needed to redevelop this site will be much more difficult if the Covell Village site remains undeveloped. For example, the most efficient way to manage stormwater flows from the Con Agra site will be to share stormwater retention facilities with Covell Village. Similarly, if the Covell Village site remains undeveloped, access to Con Agra would be limited to the site's narrow frontage on Covell Boulevard. The Covell Village project has been designed to tie into streets on the Con Agra site if and when that project moves forward, providing for a more integrated circulation network.

The City's existing stormwater system for the northern portion of the City is inadequately sized. The Covell Village project will provide sufficient stormwater capacity to manage these flows. Under the no-project alternative, drainage problems will not be addressed. The no-project alternative would preclude "providing significant benefits to the City as a whole, in that the Project is providing sufficient drainage capacity to significantly increase the existing flood-flow capacity west of the Project site." (Exhibit E-6 of draft Development Agreement.) Floodwaters overtopping Pole Line Road in large storm events would continue under the no-project alternative.

The City's existing General Plan designates the Covell Village site for "agriculture." In this respect, the no-project alternative is consistent with the City's General Plan. The no-project alternative is inconsistent, however, with other General Plan policies. For example, under the no-project alternative, a key element of the City's Primary Bike Network cannot be completed. (See General Plan, Circulation Element, Figure 23.)

The project site was excluded from the 2001 General Plan Update planning area, but the project was included in earlier versions of the City of Davis General Plan. Maintaining agricultural operations on the project site conflicts with the Land Use Element for the 1987 City of Davis General Plan (updated in May 2001) which envisioned build-out of the subject property as a mixture of residential (low and high density), parks and recreation, neighborhood greenbelt and urban agriculture transition area. Maintaining agricultural operations on the entire project site also conflicts with the Davis Area General Plan, adopted by Yolo County in 1976, which designates only 7 percent of the project site as agriculture. The remainder of the site (93 percent) is designated limited industrial.

According to SACOG, over the next 25 years, Davis will experience a two-thirds growth in households over fifty-five years old. Many residents over fifty-five have expressed a preference for smaller homes on smaller lots or attached housing. Therefore, an alternative that does not help meet the future needs of Davis' elderly community is inconsistent with the SACOG goal of providing housing for all ages and inconsistent with the Davis goal of developing resources to meet community needs. (FEIR, p. 417; Davis General Plan, p. 345.)

The most significant “negative” of this alternative is that the City will receive none of the benefits associated with the project. The site is currently an unincorporated part of Yolo County. Under this alternative, because the county zoned the site for industrial use, the city would have no control over the future of the land. This alternative is also inconsistent with SACOG principles because the alternative provides no housing on the site. (SACOG Principles, p. 4; see also FEIR, pp. 417-419 (SACOG comments); FEIR, pp. 4-269 – 4-270 (response to SACOG comments).)

The City of Davis currently suffers from stagnant to declining sales and property tax levels. (Davis General Plan, pp. 347-348 (property tax revenues have decreased by \$1.4 million since 1992).) The City remains near the bottom statewide in terms of sales tax per capita. (*Id.* at p. 347.) The no-project alternative would not improve the City’s financial solvency because it would provide no additional revenue from either sales or property taxes. The City’s fiscal analysis indicates that the revenue from the project will be substantial.

Conclusion: The no-project alternative would avoid the project’s significant and unavoidable impacts. At the same time, however, the no-project alternative meets none of the basic objectives for the project. Nor would the City receive the benefits of the project under this alternative. In particular, the City would receive no sales- or property-tax revenue, would obtain none of the amenities included in the development agreement (including the fire station), and would not provide necessary housing.

Alternative 8 – Reduced Acreage

Alternative 8 consists of development of 247 acres of the Covell Village site with 1,515 units on 147 acres, 14.3 acres of commercial and other non-residential uses (no school site or fire station and only half the Village Center), 61.7 acres (25.0 percent) of parks and open space, and 24.0 acres of arterial streets. The northern habitat area and hospice site would not be developed. Gross residential density would be 10.3 du/ac. This alternative includes no land identified as Urban Reserve for development beyond 2015.

Alternative 8 was analyzed comparatively in Chapter 5 of the EIR. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Project Objectives: According to the CEQA Guidelines, feasible alternatives must meet the basic objectives of the project. The Reduced Acreage alternative does not meet certain of these objectives. In particular, this alternative would not provide the school district with a 10-acre school site. (DEIR, p. 5-14.)

This alternative would fail to meet Project Objective 3 because it would not result in the bicycle connections sought by the City. The undercrossing north of Channel A is not a part of this alternative thus precluding full east/west connections for bicycle circulation.

This alternative also omits the building of a new fire station. Currently Davis is unable to meet its “5 minute response time” goal for the fire-fighting needs of its citizens. A fire station at this location would allow the city to improve existing response time. (DEIR, p. 4.12-9; FEIR, pp. 2-112 – 2-113.) By eliminating the fire station, the Reduced Acreage plan fails to meet this objective.

This alternative does not meet the project objective of developing the Village center into a focal point for the community. In order to provide sufficient amenities to create this focal point, the Village Center has to include sufficient density of retail uses to meet the needs of project residents, at a high enough density to create the energy of a mixed-use, urban environment that encourages bicycle and foot traffic. This approach represents a departure from the traditional, automobile-oriented suburban shopping centers. A 50 percent reduction in the size of the Village center will threaten the ability of the center to create this sort of environment.

This alternative would also fail to provide the range of types of housing units called for in the City’s General Plan.

Avoiding or substantially lessening significant effects of the project: The EIR concludes that although impacts may be somewhat lessened under this alternative, the same types of impacts will still occur with this alternative as with the project. These impacts include aesthetics, agricultural resources, land use, transportation and circulation, air quality, noise, cultural resources, biological resources, geology, hazards, hydrology/water quality/drainage, and population/housing/employment. Impacts to public services and utilities would be greater under this alternative because it does not include dedication of a new school site or fire station site.

The EIR concludes the Reduced Acreage alternative is the environmentally superior alternative. (DEIR, pp. 5-32 to 5-33.) These reduced impacts are attributable primarily to a reduction in the size of the project, and a corresponding reduction in the development of agricultural land.

Feasibility: This alternative is not economically feasible. The size of the Village Center would be reduced by 50 percent. Such a reduction would reduce the level of activity in the Village area. Aside from not meeting the project objective of creating an urban focal point for the project, a 50 percent reduction in the Village will result in a corresponding reduction in sales-tax revenue to the City.

The City’s General Plan states the City will provide shopping opportunities to meet Davis residents’ daily needs in areas conveniently located to each neighborhood. (See Davis General Plan, p. 74.) In addition, the General Plan land use map was created on the principle, among others, of siting local services and retail strategically to minimize the lengths of trips to facilitate walking and bicycling as alternatives to auto use. (See

Davis General Plan, p. 56.) The 1864 plan achieves these objectives. The Reduced Acreage alternative does not, in that it reduces the size of the Village Center such that the center will not meet the daily shopping needs of residents in the area.

This alternative does not include a school site. The lack of a school site conflicts with the City's goals and policies of requiring full mitigation of school impacts resulting from new residential development. (See Davis General Plan, p. 254 (Goal Y&E 8., Policy Y&E 8.1); see also p. 256 (Goal Y&E 9., Policy Y&E 9.1).)

In this alternative, a hospice facility is not proposed. This would conflict with the City's stated goals and policies of meeting the needs of Davis residents for respite care services. (See Davis General Plan, p. 265 (Goal HS 3., Policy HS 3.1).) Furthermore, the City's intent for residential land use is to make provision for institutional uses that are needed near homes and which benefit from a residential environment, including adult day care facilities and nursing homes. (Davis General Plan, p. 72.)

The SACOG Blueprint designates the Covell Village site for medium-density residential uses. (See Final EIR, pp. 404-405.) SACOG has thus determined that, on a regional level, the development of the entire site is an appropriate means of accommodating anticipated growth in the area. The Reduced Acreage alternative eliminates development from roughly the upper one-third of the site. (See Draft EIR, p. 5-10.) Eliminating development on this portion of the site is inconsistent with the Blueprint.

According to SACOG, over the next 25 years, Davis will experience a two-thirds growth in households over fifty-five years old. Many residents over fifty-five have expressed a preference for smaller homes on smaller lots or attached housing. Therefore, an alternative that does not help meet the future needs of Davis' elderly community is inconsistent with the SACOG goal of providing housing for all ages and with Davis' goal of developing resources to meet community needs. (FEIR, p. 417; Davis General Plan, p. 345.)

Developing 1,515 units on only two thirds of the site is infeasible from the perspective of developing a project that will be desirable to potential residents. The 1864 plan includes 1,864 residential units at a variety of densities. SACOG estimated the net density of the original, proposed project, which included 1,515 units on the entire site as 14.9 units per acre. (See Final EIR, p. 418.) The project now includes 1,864 units on the entire site. Thus, adjusting SACOG's estimate to reflect the increased density, the 1864 plan will result in approximately 14.5 units per net acre. This estimate is almost identical to the 14.9 unit per net-acre estimate under SACOG's Blueprint scenario. (Final EIR, p. 418.)

The Reduced Acreage alternative consists of 1,515 units on roughly 297 acres. Using SACOG's estimated density of the proposed project, and adjusting for the reduced acreage that this alternative entails, this alternative would result in approximately 15.6 units per net acre. This level of density exceeds the level recommended in the SACOG

Blueprint, which is noteworthy given that one of the aims of the Blueprint is to encourage increasing densities to the high end of what may be feasible in the region. This level of density is also inconsistent with a project intended to provide a range of housing types and densities, while still providing significant parkland and open-space. Moreover, in the applicant's experience, the real-estate marketplace will not be receptive to a project containing this level of density encompassing roughly 297 acres, particularly at the cost of a loss of some open space. (See Draft EIR, p. 5-10.)

Conclusion: The Reduced Acreage alternative does not meet the basic project objectives of providing a school site. The alternative also does not meet the project objective of providing a site for a fire station, and thereby addressing an existing shortfall in the City's response time. The alternative reduces the size of the Village, which in turn reduces sales tax revenues and threatens the Village's ability to serve as a focal point oriented towards bicycles and pedestrians. Finally, the Reduced Acreage alternative is infeasible because the resulting densities would not be acceptable in the real-estate marketplace, and would not allow the project to incorporate adequate open space or a range of housing types and densities.

Alternative 9 – Reduced Intensity

Alternative 9 consists of development of 422 acres of the Covell Village site with 1,000 units on 262.3 acres. This project would not include any commercial development or the no fire station or school site. Included would be 113.5 acres (26.9 percent) of parks and open space, and 37.2 acres of arterial streets. Gross residential density would be 3.81 du/ac. This alternative includes no land identified as Urban Reserve for development beyond 2015.

Alternative 9 was analyzed comparatively in Chapter 5 of the EIR. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Project Objectives: According to the CEQA Guidelines, feasible alternatives must meet the basic objectives of the project. This alternative would not meet Project Objectives 1, 4, 6, 7, 8, 11, or 13. This alternative would not provide the school district with a 10-acre school site. (DEIR, p. 5-19.)

This alternative also omits the building of a new fire station. (DEIR, p. 5-19.) Currently Davis is unable to meet its "5 minute response time" goal for the fire-fighting needs of its citizens. A fire station at this location would allow the city to improve existing response time. (DEIR, p. 4.12-9; FEIR, pp. 2-112 – 2-113.) By eliminating the fire station, the Reduced Acreage plan fails to meet this objective.

Additionally, this plan does not meet the objective of developing a pedestrian-friendly shopping center. This plan would contain none of the businesses and generate none of the jobs for the City of Davis that the 1864 plan would create. (DEIR, p. 5-19.) This

alternative does not meet the project objective of developing the Village center into a focal point for the community. Because the Village would be eliminated, residents of the project would be forced to travel to other, more distant shopping areas to meet their daily needs. This alternative would therefore fail to meet project objectives calling for the incorporation of a vibrant Village Center. This plan is also less desirable because it will generate no sales tax revenue for the city.

Failure to avoid or substantially lessen significant effects of the project: This alternative has similar environmental impacts to the 1864 plan. The EIR concludes that although impacts may be somewhat lessened under this alternative in some impact areas, the same types of impacts will still occur in all categories with this alternative. Furthermore, under this alternative impacts related to Population, Employment, and Housing would be greater because this alternative includes no job-producing land uses. (Draft EIR, pp. 5-19 – 5-20.)

Feasibility: The Reduced Intensity alternative is economically infeasible. The number of income-generating homes is reduced, but the costs of building the infrastructure to support them would remain the same as under the other plans. The roadways, water system, sewer system, and drainage system would still be required to serve the remaining units. (DEIR, p. 5-19.) The burden of infrastructure costs on fewer homes would drive housing prices up, which would negate the plan's goal of providing relatively affordable housing. With proportionately less affordable and middle-income housing under this alternative, economic development in Davis will continue to be challenging, due to the financial inability of most local employees to afford housing in the community.

This alternative would be inconsistent with SACOG's Blueprint for regional growth, which encourages communities to increase densities as a means of accommodating anticipated growth in an efficient manner. (See SACOG Principles, p. 4; see also FEIR, pp. 417-419 (SACOG comments); FEIR, pp. 4-269 – 4-270 (response to SACOG comments).)

This alternative involves fewer residential units. The City would have to spread the cost of upgrading its wastewater treatment plant over fewer units, increasing the cost for each individual resident.

This alternative would result in larger lots, an outcome which is inconsistent with the City's intent to provide compact, clustered residential development in new areas. The intent of residential land use is to allow residential development emphasizing compact, clustered development in new areas. (See Davis General Plan, p. 74.)

This alternative does not include the Village Center, which is inconsistent with the City's intent to provide shopping opportunities to meet Davis residents' daily needs in areas conveniently located to each neighborhood. (See Davis General Plan, p. 74.) In addition, the General Plan land use map was created on the principle of siting local

services and retail strategically to minimize the lengths of trips to facilitate walking and bicycling as alternatives to auto use. (See Davis General Plan, p. 56.)

Further, the City has adopted a policy of encouraging planning residential development together with a mixture of local-serving retail and institutional uses. (See Davis General Plan, p. 74.) This alternative would conflict with the City's standard that new neighborhoods shall be designed so that daily shopping errands generally can be completed within easy walking and biking distances. (See Davis General Plan, p. 152 (Goal UD 1., Policy UD 1.1, Standard a).)

By not including the Village Center, this alternative would be inconsistent with the City's intent to locate employment centers near residential areas. (Davis General Plan, p. 76.)

This alternative does not include the Village Center retail and hotel uses. This would deny the City the economic opportunity to receive sales tax from the retail uses and transit occupancy tax from the hotel use that it would receive under the 1864 plan. The City of Davis is one of the lowest sales tax generators on a per resident basis. In fact, Davis area retail sales amount to only 54 percent of community demand. (See Davis General Plan, p. 54.) The City's Economic Development Task Force recommended to the City Council that it increase the number of businesses operating in Davis in order to generate more sales tax, hotel tax, business license fees and business real and personal property tax. The Task Force had determined that the City must increase its sales tax revenue through expansion of local business. This was considered especially crucial because of the effects of the State budget cuts on local governments and the shifting of property taxes from cities to school districts. (See Davis General Plan, p. 191; see also "Business Development in Davis" (October 1992).)

As a result of the Task Force's recommendations, the City implemented Goal ED 3, which was to encourage new businesses as a means to create a more balanced economy for the community. (See Davis General Plan, p. 193.)

This alternative does not include a school site. This would conflict with the City's stated goals and policies of requiring full mitigation of school impacts resulting from new residential development. (See Davis General Plan, p. 254 (Goal Y&E 8., Policy Y&E 8.1); see also p. 256 (Goal Y&E 9., Policy Y&E 9.1).)

In this alternative, a hospice facility is not proposed. This would conflict with the City's stated goals and policies of meeting the needs of Davis residents for respite care services. (See Davis General Plan, p. 265 (Goal HS 3., Policy HS 3.1).) Furthermore, the City's intent for residential land use is to make provision for institutional uses that are needed near homes and which benefit from a residential environment, including adult day care facilities and nursing homes. (Davis General Plan, p. 72.)

In this alternative, a fire station is not proposed. This would conflict with the City's objective of pursuing a fourth fire station to improve the Fire Department's five minute response time coverage. (See Davis General Plan, p. 310.)

The reduced intensity alternative would preclude "providing significant benefits to the City as a whole, in that the Project is providing sufficient drainage capacity to significantly increase the existing flood-flow capacity west of the Project site." (Exhibit E-6 of draft Development Agreement.) Floodwaters overtopping Pole Line Road in large storm events would continue under this alternative.

This alternative may be politically infeasible. This alternative, like the proposed project, requires approval of the voters under the City's Measure J. This project may be perceived by voters as a more conventional, low-density residential subdivision. Such a project would be less appealing to Davis voters, who have shown a preference for innovative projects such as Village Homes.

Conclusion: The Reduced Intensity alternative does not meet the basic project objectives of providing a school site, providing a fire station to address the existing shortfall in the City's response times, and establishing a Village Center as a focal point for the project. The Reduced Intensity alternative is also infeasible, primarily because it consists of a residential subdivision at more conventional densities, rather than the greater densities encouraged by SACOG and by the City's General Plan. This alternative would also generate significantly less revenue than would the 1864 plan, which could jeopardize its desirability to the City from a fiscal perspective.

Alternative 10 – Off Site

Alternative 10 consists of development of another site totaling 319.5 acres (APNs 036-45-02 [159.48 acres] and 036-45-01 [160.0 acres]) located in Yolo County immediately west of the City limits and State Route 113. The subject property is north of Russell Boulevard, south of CR 31, and east of CR 98. The property would be developed with 1,515 units, 40 acres of commercial and other non-residential uses, 82.3 acres of parks and open space, and 28.16 acres of arterial roads. This alternative does not include the fire station or school site. Gross residential density would be 8.86 du/ac. This alternative includes no land identified as Urban Reserve for development beyond 2015.

This alternative was analyzed comparatively in Chapter 5 of the EIR. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Project Objectives: According to the CEQA guidelines, feasible alternatives must meet the basic objectives of the project. This plan does not meet the basic objectives because it does not provide school site facilities or a fire station.

This alternative omits the building of a new fire station. Currently Davis is unable to meet its “5 minute response time” goal for the fire-fighting needs of its citizens. (DEIR, p. 4.12-9; FEIR, pp. 2-112 – 2-113.) A fire station at the offsite location would be so far west of the downtown area that it would not improve the 5 minute response time nor help with simultaneous calls. (DEIR, p. 5-24.) By failing to provide an appropriately situated fire station, the Offsite alternative fails to meet that important objective.

This alternative does not meet the objective of providing a school site, due, in part, to this alternative site’s location farther from the heart of downtown Davis. The City has not identified the need for a school at this more remote location, and parents living closer to the center of town would be unlikely to drive their children to a school site on the outskirts of the City. (DEIR, p. 5-24.)

This alternative would fail to meet Project Objective 3 because it would not result in the bicycle connections sought by the City.

Avoiding or substantially lessening significant effects of the project: The environmental impacts of this alternative are similar to those of the 1864 plan. Because this alternative does not include the fire station or school site, however, this alternative is less desirable. The EIR concludes that although impacts may be somewhat lessened under this alternative in some impact areas, the same types of impacts will still occur in all categories with this alternative. Furthermore, under this alternative impacts related to Public Services and Facilities would be greater because this alternative is further from the populated area.

Feasibility: Storm Drainage and Flooding: This site is in an area recognized by the City, the County of Yolo and the Yolo County Flood Control and Water Conservation District as subject to extensive flooding. The site is partially located in FEMA Flood Zone A. Drainage patterns run northeasterly toward Covell Boulevard, which regularly floods in the vicinity of Lake Boulevard during high intensity rainfall events. In order for this property to develop, it would be necessary to provide extensive storm water detention and to make significant improvements to conveyance facilities between the site and SR 113, likely to include enlarging culverts under the freeway. Costs would be substantial.

Sanitary Sewer Conveyance: This site is located at the far west end of the City’s sewer collection system. Previous studies by the City have determined that little unallocated capacity is available in the City’s collection system in west and central Davis. Either extensive improvements to collection system capacity or construction of a dedicated force main would be required. The costs would be substantial and disruption to existing City streets would be extensive.

Traffic Circulation: This site would distribute traffic to rural county roads such as CR 98, as well as adding more traffic to the Russell Boulevard corridor. The Program EIR for

the City of Davis General Plan Update concluded that LOS will drop to F on Russell between Lake and Arlington (Table 5D-11) at General Plan buildout. Level of service in this already impacted roadway segment would further decline with the offsite alternative.

The additional costs of providing infrastructure in the form of sewer, storm drainage, and road improvements for this site may make it much more costly to construct. These increased costs would threaten the economic viability of this alternative.

The northerly half of the site is under a Williamson Act contract, according to Figure 34 of the Davis General Plan. For this reason, a portion of the site may not be available for development.

The Offsite alternative would preclude “providing significant benefits to the City as a whole, in that the Project is providing sufficient drainage capacity to significantly increase the existing flood-flow capacity west of the Project site.” (Exhibit E-6 of draft Development Agreement.) Floodwaters overtopping Pole Line Road in large storm events would continue under the off-site alternative.

The Offsite alternative would be located in Yolo County, immediately west of the City of Davis city limits and State Route 113, north of Russell Boulevard, south of County Road 31, east of County Road 98. The alternate site is considerably farther from the City of Davis downtown core than the proposed project site. In addition, the proposed project site is nestled between existing urban areas. As such, the alternate site location is infeasible in that it would be inconsistent with the City’s General Plan stated goal of discouraging urban sprawl and placing new urban uses in existing planned urban areas. (See Davis General Plan, p. 34.)

The applicant does not own the land where the Offsite alternative is proposed to be located. (DEIR p. 5-22) Land ownership is a legitimate factor to be considered in determining the feasibility of an alternative site. This alternative would introduce new properties or property owners.

The Offsite alternative may be politically infeasible. This alternative, like the proposed project, requires approval of the voters under the City’s Measure J. This project may be perceived by voters as directing development to an outlying area that is not surrounded by existing, urban development. The alternative may therefore be less appealing to Davis voters than would the 1864 plan, which involves development on a site surrounded on three sides by existing development.

The Offsite Alternative is also inconsistent with SACOG’s “smart growth” principles. (FEIR, p. 404.) This alternative would direct growth to outlying areas rather than filling in gaps in the City’s natural urban boundary and may require construction of arterial-level streets rather than utilizing existing infrastructure. (*Ibid.*)

This alternative would place development on the western outskirts of town where new development associated with the University is already underway. This would result in a concentration of new development in one part of town. The alternative site is not as centrally located as the proposed site.

Conclusion: This alternative does not meet the project objectives of providing a school site or a fire station. This alternative is infeasible due to the increased cost of providing infrastructure, and because this alternative directs growth to an outlying area that is not owned by the applicant.

Alternative 11 – Four Sites

This alternative is comprised of four geographically separated sites that total 190.1 acres: 1) Con Agra (100 acres) within the City limits (APN 035-970-034 to -037); 2) Wildhorse Horse Ranch (25.8 acres) within the City limits (APN 071-140-011); 3) Willowbank 9 South (17.15 acres) within the City limits (APN 069-100-025); 4) Signature (47.1 acres) in Yolo County (APN 071-130-005). Collectively, the properties would be developed with 1,515 units, 40 acres of commercial and other non-residential uses, 30 acres of parks and open space, and 16.76 acres of arterial roads. Gross residential density would be 14.66 du/ac. This alternative includes no land identified as Urban Reserve for development beyond 2015.

This alternative was analyzed comparatively in Chapter 5 of the EIR. The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Project Objectives: This alternative meets most of the project's basic objectives, although it spreads the project amenities out across the City. Thus, the 1864 plan is still preferable to this alternative because it provides a more cohesive "new urbanist" type design, locating housing near commercial and retail uses. The Four Site alternative does not meet the objective of establishing a Village Center as a focal point of the community.

Although this alternative includes the school, parks, fire station, and Village Center, they were not assigned to a particular site. Locations of adequate size may be problematic. The fire station would not improve response time unless it was located on the Con-Agra property. The economic viability of Village Center would be problematic at Willowbank site. Furthermore, none of the individual property owners may be willing to give land and funds for school and fire station.

Avoiding or substantially lessening significant effects of the project: The EIR concludes that although some impacts may be somewhat lessened under this alternative in some impact areas, the same types of impacts will still occur in all categories with this alternative. Furthermore, the Four Site alternative possesses environmental problems not found in

the other alternatives. One of the four housing sites in this alternative is the Con-Agra/Hunt Wesson site. Under the 1864 plan, this part of the site would not be developed. Full build-out of the Con-Agra site would result in significant increases in the amount of traffic at nearby intersections. (DEIR, p. 5-27.) The Con-Agra site contains an old factory building. This old factory building presents potential industrial hazards that are not present in the 1864 plan. This site, and the other three locations may contain risks of impacts from pesticides, asbestos, lead-based paints, above and below ground storage tanks, wells and PCB transformers. (DEIR, p. 5-29.). Additionally, impacts related to Public Services and Facilities would be greater because fire service and schools would not be fully mitigated.

Feasibility: The cost of developing infrastructure to serve the four sites would be significantly higher than the cost of providing infrastructure to a single site. In particular, providing infrastructure for full development of the Con Agra property within the current City limits will be difficult without Covell Village, because the Con Agra site will be unable to share stormwater detention facilities with Covell Village. As a result, development of the Con Agra site will require sizable on-site and/or off-site retention facilities. In addition, vehicular access to the Con Agra site will be limited to the site's narrow frontage with Covell Boulevard.

Development of the 1864 plan will result in improving drainage conditions for existing development in west and north Davis. Under the Four Site alternative, these improvements would not occur.

The applicant does not own the four parcels identified under the Four Site alternative. For this reason, the Four Site alternative is infeasible.

Other Considerations: This alternative would introduce new properties or property owners. The Covell Village applicant does not control these properties or have any relationship with the owners. Because of the fragmented ownership, this alternative would be unlikely to provide the comprehensive park, fire station, school mitigation, community building, and other benefits included in the preferred project.

Another reason to reject this alternative is that it includes all of the Con Agra site. The City rezoned the Con Agra site in 2000 to create additional opportunities for business park development. Changing the use of the property to residential would be inconsistent with the City's vision of creating employment opportunities in that area.

Conclusion: The Four Site alternative does not meet the project objective of establishing the Village Center as a focal point for the community. Redevelopment of the Con-Agra site would result in environmental impacts that the 1864 plan would not cause. Finally, the Four Site alternative is infeasible because the alternative would involve higher infrastructure costs, and because the applicant does not own the four sites.

Alternative #12 – High Density

This alternative assumes the development of 1,990 units on the project site on smaller lot sizes. The park land acreage obligation would increase to 23.985 acres but in-lieu fees (rather than land) would be provided for the increased amount. The Senior Core Facility and other senior housing are not a part of this alternative. Other land uses include 40 acres of commercial and other non-residential land uses, 113.5 acres of parks and open space, and 37.2 acres of arterial roads. Gross residential density would be 7.59 du/ac. This alternative includes no land identified as Urban Reserve for development beyond 2015.

This alternative was analyzed as an equal-weight alternative throughout Chapter 4 of the EIR. The EIR concludes that in about half of the impact issue areas impacts from this alternative will be similar to those of the project. In the areas of transportation and circulation, air quality, noise, hydrology/water quality/drainage, public services, population/housing/employment impacts would be greater due to the increased density. The City Council ultimately adopted a variation of this alternative and the proposed project, called the “1,864 Alternative” described below.

Project Objectives: The high density alternative provides a more narrow range of housing options by excluding the senior-only housing. This alternative otherwise meets the project objectives.

Avoiding or substantially lessening significant effects of the project: The environmental impacts for this alternative are significantly worse than under the 1864 plan. The High Density plan would result in more traffic, noise, and air pollution. It would also result in greater water quality and drainage problems. (DEIR, p. 5-34.) This plan does not improve the city’s population-to-job ratio as much as the 1864 plan because it adds more people, but does not add more commercial development.

Feasibility: This alternative may be advantageous for the developer because it allows for the construction of more units and thus would generate more revenue with similar costs as the 1,864 option. This potential for increased revenue may be offset by the potential that the real-estate market will regard higher densities as undesirable. The costs to the City may ultimately be greater as this option allows for increased population without additional amenities being part of the package (with the exception of a slight increase in park acreage). (DEIR, p. 5-31.)

This alternative may be politically infeasible because the elimination of senior units may affect the outcome of the Measure J vote on the project.

Conclusion: This alternative meets most of the basic project objectives. This alternative does not, however, avoid or substantially lessen the project’s significant environmental effects. Moreover, further increases in density, over and above the 1864

plan, may affect the commercial feasibility of the project, and could affect the outcome of the Measure J vote.

Alternative #13 – 1,864 Alternative

This alternative assumes the development of 1,864 units on the project site on smaller lot sizes. The park land acreage obligation would increase to 24.42 acres. All other land uses would be equivalent to the project as originally described in the Draft EIR: 1,864 units on 237.1 acres; 41.4 acres of commercial and other non-residential land uses, 113.5 total acres of parks and open space, 32.5 of arterial roads. Gross residential density would be 7.86 du/ac. This alternative includes no land identified as Urban Reserve for development beyond 2015.

This alternative was introduced on pages 1-8 through 1-13 of the third volume of the FEIR. The EIR concludes that in all impact issue areas, the impacts from this alternative would fall between those identified for the proposed project and the High Density Alternative.

The “1864 plan” is the preferred project now proposed by the applicant and described in the development agreement. This plan would include 1,864 housing units with a smaller percentage of single-family units than under the “1515” alternative described in the Draft EIR. The 1864 alternative also contains a retail/office space, Village Center, hospice, fire station, and a school site. This is the most economically feasible plan, and it also represents the most efficient use of the project site.

The applicant supports this plan. This plan is consistent with project objectives and is feasible. This plan is also consistent with Sacramento Area Council of Governments (“SACOG”) goals. (See SACOG Principles, p. 4; see also FEIR, pp. 417-419 (SACOG comments); FEIR, pp. 4-269 – 4-270 (response to SACOG comments).)

The City Council has determined that this alternative better meets the project objectives than the proposed project or any of the alternatives. The Council has found the site to be suitable for increased densities. The updated project fiscal analysis demonstrated a variation of this alternative to be economically viable and fiscally superior to the proposed project. The City Council ultimately adopted this alternative.

Proposed Project

This alternative would include 1,515 housing units, located on a 422-acre site between Pole Line Road and County Road 101A, above Covell Boulevard. The north side of this development would be flush with Northstar to the west and the Wild Horse golf course to the east. It would include a school site, a fire station, Village Center, gas station and a hospice.

The 1515 alternative is the alternative originally proposed by the applicant. This “alternative” generally satisfies the project’s basic objectives, but not as well as the 1864 project. Several of the basic project objectives are intended to ensure that the project provides an adequate supply of housing, that the housing is varied and serves a range

of prices and lifestyles, that the project will provide sufficient density to support the success of retail uses in the Village, and that the project will include a significant supply of housing affordable to low- and moderate-income households. The 1515 alternative includes fewer residential units, and proportionately fewer affordable units. In addition, because the 1864 project is denser, lot sizes will generally be smaller, and the land costs of particular lots will lower. This, in turn, will enable the 1864 project to incorporate a significant number of affordable and middle-income units. The development agreement requires the project to incorporate the following affordable-housing component: 400 homes for middle-income households; 144 affordable units; land dedication for 170 affordable units; and 74 affordable rental units.

Under the 1515 alternative, the affordable- and middle income-housing program would have to be significantly scaled back, because there would be fewer market-rate units to spread the cost of the subsidized units.

Avoiding or substantially lessening significant effects of the project: The 1515 alternative incorporates a gas station. The gas station would generate localized traffic impacts. (DEIR, p. 4.4-24.) The 1864 plan eliminates the gas station. In all other respects the 1515 alternative has environmental impacts that would be comparable to the 1864 plan.

The 1515 alternative would not provide as much moderately priced housing as would the 1864 plan. The reduction in density would be inconsistent with SACOG planning principles; these principles encourage higher density on appropriate sites as a means of efficiently accommodating anticipated growth. (SACOG Principles, p. 4; see also FEIR, pp. 417-419 (SACOG comments); FEIR, pp. 4-269 – 4-270 (response to SACOG comments).) Because the 1515 alternative does a poorer job than the project in implementing SACOG principles, the 1864 plan is environmentally superior to the 1515 alternative in this respect.

Site suitability: The relative suitability of the site for the 1515 alternative is the same as under the 1864 plan. Both the alternative and the proposed project involve development of the same area.

Economic Viability: The package of amenities contained in the development agreement between the developer and the City was designed with 1,864 units in mind. With a smaller number of units, the package would not be economically viable for the developer.

The City's fiscal analysis indicates that the 1864 plan will have a beneficial fiscal impact on the City. Under the 1515 alternative, this fiscal benefit will be reduced because property tax revenue, building permit fees and school district fees will shrink. The cost of providing services to the project will also be reduced; for example, the 1515 project will generate proportionately fewer students. Other costs, however, will remain the

same regardless of whether the site includes 1,515 residential units or 1,864 residential units; for example, park maintenance costs, which turn primarily on the number of acres of parks, will remain the same. Thus, although the City's costs will be lower, this reduction will not be as great as the reduction in revenues.

Other Considerations: For all practical purposes, the same amount of infrastructure would be needed for 1,515 units as for 1,864. The City's analysis indicates the City has sufficient water and sewer capacity to serve either the 1515 alternative or the 1864 plan. Thus, it is more efficient to spread the costs and benefits of the infrastructure among more residential units.

The 1515 alternative is consistent with the General Plan. This consistency is documented in the EIR. In this respect, the 1515 alternative and the 1864 plan are equivalent. Both the 1515 alternative and the 1864 plan require voter approval under Measure J. Although the outcome of the Measure J vote is unknown, the voters are more likely to approve a project that includes a greater number of affordable units. In this respect, the 1864 plan is more likely to garner the support of the voters than the 1515 alternative.

Like the 1864 plan, the 1515 alternative would require LAFCO approval for annexation into the City of Davis.

Conclusion: The 1864 alternative strikes an appropriate balance between providing the City with significant amenities, including an extensive affordable housing program, and providing the developer with a project that is financially feasible. The density of the project is desirable from a regional perspective, in that it results in more efficient use of land, and enables the developer to include a more significant affordable-housing component than would otherwise be the case.

At the same time, the EIR shows that increasing the number of units from 1,515 to 1,864 does not result in an increase in the number of significant and avoidable impacts. The analysis also shows the City's infrastructure is adequate to serve the higher number of units. Thus, the City reaps the benefits of higher density (a wider range of housing, greater affordability, more efficient use of land), without imposing appreciable increased burdens on the City or the environment.

SECTION L.**GROWTH INDUCEMENT**

Chapter 6 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 agricultural properties north of the site will be preserved, and areas to the east, west, and south are already developed. Therefore land is not available for additional growth. Furthermore infrastructure needed to serve the project will be sized only for the project and not for any additional capacity. For these reasons growth inducement will not occur.

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 analysis is based on the General Plan EIR (2001). The following conclusions are reached regarding cumulative impacts:

- Visual character of the region – significant and unavoidable
- Prime farmland – significant and unavoidable
- Land use – less than significant
- Study intersection – less than significant
- Roadway segments of Covell Boulevard and Pole Line Road – significant and unavoidable
- Air quality – significant and unavoidable
- Noise – less than significant
- Cultural resources – less than significant
- Biology – less than significant
- Geology – less than significant
- Hazards – less than significant
- Hydrology, water quality, and drainage – less than significant
- Public services – less than significant
- Population, housing, and employment – less than significant

SECTION N.**SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Chapter 6 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 the following significant irreversible environmental changes:

- Conversion of existing agricultural farmland to suburban land uses, precluding alternate land uses in the future.
- Irreversible consumption of goods and services associated with the future employees and consumers.
- Increased background air emissions.
- Increased ambient noise.
- Surfacing important soils with impermeable surfaces associated with urban development.
- Conversion of habitat.
- Commitment of municipal services to new development.
- Degradation of water quality from urban development.
- Irreversible consumption of energy and natural resources associated with the future employees and consumers.
- Possible demand for and use of goods, services, and resources for this project to the exclusion of projects in other locations.

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.

AESTHETICS

■ Impact

4.1-1 Impacts related to altering the existing agricultural character of the project site.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

None Feasible

Findings of Fact

The City Council finds that there are no feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level or partially reduce this measure. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

■ Impact

4.1-2 Impacts related to light and glare.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.1-2 Compliance with the standards of the Outdoor Lighting Control Ordinance shall be included within the Final Planned Development for all uses, including single family parcels, with specific criteria and standards to be reviewed and approved by the Planning Commission.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.1-3 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.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

None Feasible

Findings of Fact

The City Council finds that there are no feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level or partially reduce this measure. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

AGRICULTURAL RESOURCES**■ Impact**

4.2-1 Loss of prime agricultural land.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

4.2-1 The project applicant shall set aside in perpetuity active agricultural acreage at a minimum ratio of 2:1 elsewhere in Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement. The

agricultural acreage placed under easement or purchased for mitigation purposes shall be at least of similar quality and extent to that lost due to the conversion of the project site. The location and amount of active agricultural acreage for the proposed project would be subject to the review and approval of the City Council. The amount of agricultural acreage set aside shall account for the farmland lost due to the conversion of the project site as well as up to ~~50~~ 90 acres of agricultural acreage for the construction of off-site drainage ponds.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.2-1 was modified to specify performance standards for the quality and extent of required agricultural mitigation land. Also the mitigation acreage was increased. These modifications serve to increase the mitigation requirements of the project and are environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure must be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact

4.2-2 Incompatibilities between future residential uses and hospice facility on the project site and nearby active agricultural uses.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.2-2(a) Prior to the submittal of any tentative map showing the proposed hospice facility, the applicant shall change the planned location of the hospice facility to the southeastern corner of the proposed habitat area, in order to incorporate a 500-foot buffer; or, the applicant shall dedicate a portion of the proposed Agricultural Preservation Area north of the project site for an agricultural buffer zone, consisting of 500-feet in width. The buffer zone shall comply with all applicable Yolo County and City of Davis requirements as outlined in their respective General Plans and Zoning Ordinances. designate at least a 150-foot agricultural buffer pursuant to City of Davis Municipal Code 40A.01.050. The applicant shall also designate a 500-foot spray buffer

adjacent to the hospice site to meet current Yolo Ag Commissioner spray buffer requirements. The 500' spray buffer may incorporate the 150' agricultural buffer. Pursuant to Section 40A.03.030(c) of the Davis Municipal Code, the 150' agricultural buffer/transition area shall not qualify as farmland mitigation.”

4.2-2(b) 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 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 City Engineer prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.2-3 Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

4.2-3 Implement MM 4.2-1.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.2-1 was modified to specify performance standards for the quality and extent of required agricultural mitigation land. Also the mitigation acreage was increased. These modifications serve to increase the mitigation requirements of the project and are environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the

impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure must be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

LAND USE

■ Impact

4.3-1 Incompatibility of proposed hospice facility with adjacent habitat area.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.3-2 Conflicts between potential future buildout of the ConAgra / Hunt Wesson property and uses proposed for the project.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.3-3 Conflicts between uses proposed for the project.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.3-4 Conflicts between the proposed project and California Integrated Waste Management Board regulations.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

~~4.3-4 The applicant shall submit the project site plan to the Yolo County Local Enforcement Agency (LEA) for review. Any recommendations consistent with Section 21190 of CCR Title 27 made by the LEA regarding the project site plan, including but not limited to the installation of a geomembrane or equivalent system, shall be incorporated into the final site plan design for the review and approval of the Davis Community Development Director.~~ None Required.

Findings of Fact

In analyzing the merits of the project and making project recommendations to the decision makers, the staff has recommended a modification the original wording of this impact/mitigation measure presented in the DEIR. This mitigation measure was deleted because a comment letter (Comment 27-128; page 2-77 of the third volume of the FEIR) pointed out that there are no applicable CIWB requirements for development on parcels that are not part of the former landfill. Therefore this mitigation was in error and has been corrected. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.3-5 Conflicts between the proposed project and the firing range and bomb training operations, and paintball activities located north of the site.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.3-5 The Applicant(s) shall notify prospective buyers in writing, prior to purchase, about existing and on-going bomb, ~~and~~ firing range, and paintball operations in the immediate area in the form of a disclosure statement. The notifications shall disclose that the City of Davis Police Department intermittently carries out bomb operations north of the project site, which may create noise. The language and format of such notification shall be reviewed and approved by the Community Development Department prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner. Disclosure statements shall be provided only to property owners north of Channel A.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.3-5 was clarified to include disclosure of paintball activities that occur at the City firing range north of the project site. This mitigation was also clarified to apply only to lots and land uses that would occur north of Channel A as that is the only area of the project site that would be potentially impacted by those activities. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.3-6 Inconsistency with the City of Davis General Plan.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.3-7 Consistency with the Davis Planned Development district process.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

TRANSPORTATION AND CIRCULATION

See supplemental analysis in the record prepared for the “1,864 Alternative”.

Impact

4.4-1 Impacts to the surrounding roadway network under Existing Plus Project conditions.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.4-1(a) The applicant shall fully fund the installation of a traffic signal at Pole Line Road/Picasso Avenue. Prior to initial occupancy of a commercial building or residential unit, the signal at the Pole Line Road/Picasso Avenue intersection shall be installed and operational as determined by the City Engineer.

4.4-1(b) The applicant shall fully fund the installation of a traffic signal at Covell Boulevard/L Street. Prior to initial occupancy of a commercial building or residential unit, the signal at the Covell Boulevard/L Street intersection shall be installed and operational as determined by the City Engineer. The configuration of Covell Boulevard could remain as a couplet; however, the signals at the eastbound and westbound travelways would need to operate as one signal system.

4.4-1(c) Prior to the submittal of the first tentative map, the Public Works Department shall determine whether the applicant shall fully fund the conversion of the Pole Line Road/Picasso Avenue intersection to a roundabout rather than signaling the intersection (See MM 4.4-1(a)). Prior to initial occupancy of a commercial building or residential unit, the roundabout at the Pole Line Road/Picasso Avenue intersection shall be installed and operational as determined by the City Engineer.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes

a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.4-2 Impacts to segments of Pole Line Road and Covell Boulevard under Existing Plus Project conditions.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

4.4-2(a) Prior to approval of improvement plans, the applicant shall submit to the City Engineer, for review and approval, plans for the widening of Pole Line Road ~~north of between~~ Covell Boulevard ~~to the northern boundary of the project site and Donner Avenue~~ from two to four lanes. The Pole Line Road widening shall be complete prior to initial occupancy of a commercial building or residential unit. (See further modification/interpretation of this measure provided in the Findings of Fact)

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.4-2(a) was modified based on more detailed analysis, to specify more precisely which segments require improvement. This clarifies that the impact as originally described will be somewhat less than anticipated. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby finds that it is not necessary to widen and signalize the entire stretch of Pole Line Road from Covell Boulevard to the northern City limits if a combination of signals and roundabouts are used. Roundabouts in lieu of signals are appropriate for two-lane roadways, and are very compatible with Davis community values. In general they are more efficient and less expensive to install, operate, and maintain, and can be more attractive than signals. The following information is provided in support of this:

- Roundabouts provide a more continuous flow of traffic.
- Roundabouts improve flow from side streets.
- The narrower street will reduce the distance of the bicycle undercrossing of Pole Line Road.
- Roundabouts and a narrower road will reduce speed and noise on Pole Line Road.

- Roundabouts are safer, more orderly, and have greater capacity than signals. They are more attractive, easier and cheaper to operate and maintain, and don't require electricity.
- The City retains the option of widening to four lanes at a later time. The necessary right-of-way will be retained regardless.
- A narrower (two-lane) road will have greater capacity for aesthetic treatments of edges and medians within the same right-of-way.
- As a bicycle-friendly community, a four-lane road at the entrance to the City would not create the impression desired.

As such, Mitigation Measures 4.4-2, 4.4-4, and 4.4-5 shall be clarified and implemented as follows with respect to improvements along Pole Line Road, from Covell Boulevard north:

1. Sufficient right-of-way shall be reserved between Covell Boulevard and the City limits in the event future widening is desired.
2. The segment from Covell Boulevard to Picasso Avenue shall be widened and a signal shall be installed at the intersection of Pole Line Road and Picasso Avenue.
3. The segment between Picasso Avenue and Donner Avenue shall be maintained as four-lanes, and a signal shall be installed at the intersection of Pole Line Road and Donner Avenue, or the road segment shall be tapered down to two-lanes at Donner Avenue and a roundabout shall be installed.
4. The roadway shall be tapered down or continue to two-lanes to the northern City limits, and a roundabout shall be installed at the intersection of Pole Line Road and Moore Avenue.

The City Council hereby directs that the stated mitigation measure (with the clarifications/interpretations above) shall be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

■ Impact

4.4-3 Mace Boulevard Overcrossing

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.4-4 Cumulative impacts to study intersections.

Significance After Mitigation – Significant and Unavoidable**Adopted Mitigation Measures**

4.4-4(a) The applicant shall fund the installation of a traffic signal at Pole Line Road/Picasso Avenue. Prior to initial occupancy of a commercial building or residential unit, the signal at the Pole Line Road/ Picasso Avenue intersection shall be installed and operational as determined by the City Engineer.

4.4-4(b) Implement MM 4.4-1(b).

4.4-4(c) Prior to the submittal of the first tentative map, the determination shall be made by the Public Works Department whether the applicant shall fund the installation of a traffic signal at Pole Line Road/Donner Avenue or the conversion of the Pole Line Road/Donner Avenue intersection to a roundabout. The timing for construction each respective improvement shall be determined by the City Engineer based on traffic studies performed with tentative map submittals and based on specific map phasing. Prior to initial occupancy of a commercial building or residential unit for the phase during which it is determined to be necessary, the signal/roundabout at the Pole Line Road/Donner Avenue intersection shall be installed and operational as determined by the City Engineer.

4.4-4(d) Prior to the submittal of the first tentative map, the determination shall be made by the Public Works Department whether the applicant shall fund the installation of a traffic signal at Pole Line Road/Moore Avenue or the conversion of the Pole Line Road/Moore Avenue intersection to a roundabout. The timing for construction each respective improvement shall be determined by the City Engineer based on traffic studies performed with tentative map submittals and based on specific map phasing. Prior to initial occupancy of a commercial building or residential unit for the phase during which it is determined to be necessary, the signal/roundabout at the Pole Line Road/Moore Avenue intersection shall be installed and operational as determined by the City Engineer.

4.4-4(e) Implement MM 4.4-1(c).

(See further modification/interpretation of this measure provided in the Findings of Fact)

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.4-4(c) and (d) were modified to specify performance criteria for the timing of the improvement. The modifications serve to increase the specificity of the measure. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby finds that it is not necessary to widen and signalize the entire stretch of Pole Line Road from Covell Boulevard to the northern City limits if a combination of signals and roundabouts are used. Roundabouts in lieu of signals are appropriate for two-lane roadways, and are very compatible with Davis community values. In general they are more efficient and less expensive to install, operate, and maintain, and can be more attractive than signals. The following information is provided in support of this:

- Roundabouts provide a more continuous flow of traffic.
- Roundabouts improve flow from side streets.
- The narrower street will reduce the distance of the bicycle undercrossing of Pole Line Road.
- Roundabouts and a narrower road will reduce speed and noise on Pole Line Road.
- Roundabouts are safer, more orderly, and have greater capacity than signals. They are more attractive, easier and cheaper to operate and maintain, and don't require electricity.
- The City retains the option of widening to four lanes at a later time. The necessary right-of-way will be retained regardless.
- A narrower (two-lane) road will have greater capacity for aesthetic treatments of edges and medians within the same right-of-way.
- As a bicycle-friendly community, a four-lane road at the entrance to the City would not create the impression desired.

As such, Mitigation Measures 4.4-2, 4.4-4, and 4.4-5 shall be clarified and implemented as follows with respect to improvements along Pole Line Road, from Covell Boulevard north:

1. Sufficient right-of-way shall be reserved between Covell Boulevard and the City limits in the event future widening is desired.

2. The segment from Covell Boulevard to Picasso Avenue shall be widened and a signal shall be installed at the intersection of Pole Line Road and Picasso Avenue.
3. The segment between Picasso Avenue and Donner Avenue shall be maintained as four-lanes, and a signal shall be installed at the intersection of Pole Line Road and Donner Avenue, or the road segment shall be tapered down to two-lanes at Donner Avenue and a roundabout shall be installed.
4. The roadway shall be tapered down or continue to two-lanes to the northern City limits, and a roundabout shall be installed at the intersection of Pole Line Road and Moore Avenue.

The City Council hereby directs that the stated mitigation measure (with the clarifications/interpretations above) shall be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

■ Impact

4.4-5 Cumulative impacts to roadway segments of Covell Boulevard and Pole Line Road.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

4.4-5 ~~Implement mitigation measure 4.4-2.~~ The applicant shall submit to the City Engineer, for review and approval, plans for the widening of Pole Line Road between Donner Avenue and Moore Avenue from two to four lanes. The timing of the improvement shall be determined based on traffic studies performed with tentative map submittals and based on specific map phasing. The improvement shall be complete prior to commercial building or residential unit occupancy for the phase during which it is determined to be necessary.

(See further modification/interpretation of this measure provided in the Findings of Fact)

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.4-5 was modified based on more detailed analysis, to specify more precisely which segments require improvement. This clarifies that the impact as originally described will be somewhat less than anticipated. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby that it is not necessary to widen and signalize the entire stretch of Pole Line Road from Covell Boulevard to the northern City limits if a combination of signals and roundabouts are used. Roundabouts in lieu of signals are appropriate for two-lane roadways, and are very compatible with Davis community values. In general they are more efficient and less expensive to install, operate, and maintain, and can be more attractive than signals. The following information is provided in support of this:

- Roundabouts provide a more continuous flow of traffic.
- Roundabouts improve flow from side streets.
- The narrower street will reduce the distance of the bicycle undercrossing of Pole Line Road.
- Roundabouts and a narrower road will reduce speed and noise on Pole Line Road.
- Roundabouts are safer, more orderly, and have greater capacity than signals. They are more attractive, easier and cheaper to operate and maintain, and don't require electricity.
- The City retains the option of widening to four lanes at a later time. The necessary right-of-way will be retained regardless.
- A narrower (two-lane) road will have greater capacity for aesthetic treatments of edges and medians within the same right-of-way.
- As a bicycle-friendly community, a four-lane road at the entrance to the City would not create the impression desired.

As such, Mitigation Measures 4.4-2, 4.4-4, and 4.4-5 shall be clarified and implemented as follows with respect to improvements along Pole Line Road, from Covell Boulevard north:

1. Sufficient right-of-way shall be reserved between Covell Boulevard and the City limits in the event future widening is desired.
2. The segment from Covell Boulevard to Picasso Avenue shall be widened and a signal shall be installed at the intersection of Pole Line Road and Picasso Avenue.

3. The segment between Picasso Avenue and Donner Avenue shall be maintained as four-lanes, and a signal shall be installed at the intersection of Pole Line Road and Donner Avenue, or the road segment shall be tapered down to two-lanes at Donner Avenue and a roundabout shall be installed.
4. The roadway shall be tapered down or continue to two-lanes to the northern City limits, and a roundabout shall be installed at the intersection of Pole Line Road and Moore Avenue.

The City Council hereby directs that the stated mitigation measure (with the clarifications/interpretations above) shall be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

■ Impact

4.4-6 Mace Boulevard Overcrossing (cumulative)

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.4-7 Impacts to Alternative Modes of Transportation.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.4-8 Impacts to on-site access.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.4-8(a) Implement MM 4.4-1(a) and 4.4-1(b).

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.4-9 Impacts to on-site circulation.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.4-10 Impacts to parking supply and demand regarding the Village Center.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.4-10 The site plan shall be revised to provide additional parking spaces within the Village Center, consistent with the City of Davis Zoning Ordinance. The site plan shall be revised prior to issuance of building permits for the review and approval of the Community Development Director.

or

The applicant shall prepare a shared parking analysis and parking management plan to support a parking supply that is lower than City code requirements, but consistent with

the purpose of the Planned Development chapter of the Zoning Ordinance. The plan shall demonstrate that adequate parking would be supplied to meet the demand. The plan shall be reviewed and approved by the Planning Commission at a public hearing with the Final Planned Development.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.4-11 Impacts to traffic flow from construction traffic associated with grading and development of the project site.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.4-11 Prior to any construction taking place on the site, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City Engineer. The plan should include all plans for temporary traffic control, temporary signage and striping, location points for ingress and egress of construction vehicles, staging areas, and timing of construction activity which appropriately limits hours during which large construction equipment may be brought on or off the site.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

AIR QUALITY

See supplemental analysis in the record prepared for the “1,864 Alternative”.

Impact

4.5-1 Exhaust emissions and fugitive particulate matter emissions from project-associated construction activities.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

4.5-1(a) Prior to issuance of grading permits, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Pollution Control District. This plan shall ensure that adequate dust controls are implemented during all phases of project construction, including the following:

- 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 active construction sites at least three times 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 on unpaved areas.
- All vehicles hauling dirt, sand, soil, or other loose materials should be covered or should maintain at least two feet of freeboard.
- Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.

4.5-1(b) The contractor shall include in construction contracts that heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project-wide fleet-average 10 percent ROG reduction and 20 percent NOx reduction compared to the most recent CARB fleet average at time of construction. The project owner shall designate an on-site Air Quality Construction Mitigation Manager (AQCMM) who shall be responsible for directing compliance with the following mitigation measures for project construction.

- All diesel-fueled engines used in the construction of the project shall use ultra-low sulfur diesel fuel, which contains no more than 15 ppm sulfur or alternative fuels (i.e., reformulated fuels, emulsified fuels, compressed natural gas, or power with electrification). Low sulfur diesel fuel (500 parts per million sulfur content) shall be used only if evidence is obtained and maintained from the fuel supplier(s) that ultra-low sulfur diesel fuel is infeasible.
- All construction diesel engines, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2 California Emission Standards for Off-road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, §2423(b)(1) unless certified by the on-site AQCMM that such engine is not available for a particular item of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 50 hp, that engine shall be a Tier 1 engine. In the event a Tier I engine is not available for any off-road engine larger

than 50 hp, then that engine shall be a 1996 or newer engine. The AQCMM may grant relief from this requirement for that engine if compliance with this requirement is infeasible.

- As to assist the AQCMM in identifying engines that comply with the above requirement over the period of project construction, all diesel-fueled engines used in the construction of the project shall have clearly visible tags issued by the AQCMM showing that the engine meets the above requirement.
- To the extent that equipment and technology is available and cost effective, the contractors are encouraged to use catalyst and filtration technologies, and retrofit existing engines in construction equipment.
- Minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required.
- To the extent practicable, manage operation of heavy-duty equipment to reduce emissions such as maintain heavy-duty earthmoving, stationary and mobile equipment in optimum running conditions which can result in 5 percent fewer emissions.
- To the extent practicable, employ construction management techniques such as timing construction to occur outside the ozone season of May through October, or scheduling equipment use to limit unnecessary concurrent operation.
- District Rule 2.3 requires controlling visible emissions not exceeding 40 percent opacity for more than three minutes in any one-hour which includes all (on-road and off-road) diesel-powered equipment.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure must be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other

considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

■ Impact

4.5-2 Increased carbon monoxide concentrations at project-area intersections.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.5-3 New air pollutant emissions within the air basin resulting from vehicle trips to and from the project site.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

4.5-3(a) In conjunction with submittal of a Final Planned Development application for the commercial site, the applicant shall submit a transportation management plan and provide evidence, to the satisfaction of the Planning Commission, that indicates compliance with the following measures or other equivalent measures outlined in the transportation management plan:

- Provide transit information kiosks.
- Implement feasible travel demand management (TDM) measures for a project of this type. This would include a ride-matching program, guaranteed ride home programs, coordination with regional ridesharing organizations, and transit incentives program.
- Provide preferential parking for carpool/vanpool vehicles.
- Implement parking cash-out program for employees of large employers (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).
- Provide showers and lockers for employees bicycling or walking to work. Provide secure and conveniently located bicycle parking and storage for workers and patrons.

- Provide a satellite telecommute center or offices of 100 to 300 square feet conducive to telecommuters and small businesses within the Village Center.
- Provide preferential parking for Low Emission Vehicles (LEVs).

In addition, compliance with the following measures shall be included within the Final Planned Development with specific criteria and standards to be reviewed and approved by the Planning Commission:

- Specialty equipment (utility carts, forklifts, etc.) should be electrically, CNG or propane powered.
- Use electric lawn and garden equipment for landscaping.
- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and/or include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
- Provide electric vehicle charging facilities.
- Use energy-efficient lighting and process systems, such as low NOx water heaters, furnaces and boiler units.
- Orient building structures and install landscape that takes advantage of passive solar design principles.
- Provide electric vehicle charging facilities.
- Evaluate the installation of ozone destruction catalyst on air conditioning systems in conjunction with the air district.

4.5-3(b) Residential development within the project shall utilize the following types of mitigation strategies. Compliance with the following or other equivalent measures shall be incorporated within the Final Planned Development with specific criteria and standards to be reviewed and approved by the Planning Commission:

- ~~Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves in single-family houses. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source.~~
- Allow only natural gas fireplaces in ~~the multifamily residential portion of the project.~~

- Equip residential structures with electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.
- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and/or include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
- Orient building structures and install landscape that takes advantage of passive solar design principles.
- Install solar or on-demand water heaters to the greatest extent feasible within ~~for at least 25 percent of the~~ residential units in the development.
- Where feasible, utilize roof photovoltaic systems on new homes.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.5-3(a) was modified to provide a greater range of effective alternatives and to ensure that alternatives were consistent with the goal of the mitigation measure. MM 4.5-3(b) was modified to be consistent with the policies and requirements of the AQMD and to reflect increased energy-conservation requirements of the Development Agreement. These measures require greater environmental mitigation of the project and are environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure must be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

■ Impact

4.5-4 Long-term air quality impacts from the Proposed Project in combination with existing and future developments in the Davis area.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures

4.5-4 Implement MM 4.5-3(a-b).

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure must be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

NOISE

See supplemental analysis in the record prepared for the “1,864 Alternative”.

■ Impact

4.6-1 Impacts of off-site noise levels to on-site noise-sensitive uses.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.6-1 In conjunction with the submittal of any tentative map application, the project applicant shall provide a detailed acoustical analysis identifying appropriate mitigation measures, including those identified in the October 2004 Environmental Noise Assessment to reduce the exterior noise levels, consistent with City of Davis standards. The analysis shall identify specific, appropriate mitigation measures to reduce the exterior noise levels at property lines, consistent with City of Davis Noise standards. These mitigation measures may include, but are not limited to: use of setbacks; use of barriers; site design guidelines; and building location and orientation guidelines. The mitigation measures shall be incorporated into the site design for the review and approval of the Community Development Director prior to the approval of tentative maps. It should be noted that if barriers are used, the barrier shall be constructed of sound absorbing materials so that reflected sound energy is negligible.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.6-1 was modified in order to ensure that the noise barriers themselves do not cause additional noise impacts. These measures require greater environmental mitigation of the project and are environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.6-2 An increase in existing traffic noise levels on surrounding roadways.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.6-2 In conjunction with the submittal of any tentative map application, the project applicant shall provide to the City of Davis a detailed acoustical analysis, performed by a qualified environmental noise analyst, to establish specific mitigation measures for noise impacts to the segment of L Street between Covell Boulevard and Eighth Street. These mitigation measures may include, but are not limited to, use of noise-reducing paving materials such as rubberized asphalt. The mitigation measures shall be incorporated into the site plan for the review and approval of the Community Development Director prior to the approval of tentative maps.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.6-3 California Northern Railroad noise levels on the project site.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.6-4 Blue Max Kart Club noise levels on the project site.

Significance After Mitigation -- Less Than Significant**Adopted Mitigation Measures**

4.6-4(a) In conjunction with the submittal of any tentative map application, the project applicant shall submit a detailed acoustical analysis, which shall include the recommendations in the October 2004 Environmental Noise Analysis, for residences on the project site which would be located inside of the 55 dB noise contours as stated in the City of Davis Noise Ordinance. The analysis shall specifically address worst-case scenario noise activities at the Blue Max Kart Club and identify specific, appropriate mitigation measures to reduce the exterior and interior noise levels at property lines in the vicinity of the Kart Club, to the maximum extent feasible as determined by the City Engineer. These mitigation measures may include, but are not limited to: use of setbacks; use of barriers; site design guidelines; building location and orientation guidelines; use of double-pane windows; and use of modern ventilation systems. The mitigation measures shall be incorporated into the site design for the review and approval of the Community Development Director. If at the time of submittal of a tentative map application, the lease has since been terminated between the City and Blue Max Kart Club, an acoustical analysis shall not be required.

4.6-4(b) The Applicant(s) shall notify prospective buyers in writing, prior to purchase, about existing operations at the Blue Max Kart Club north of the project site in the form of a disclosure statement. The notifications shall disclose that a go-cart track is located north of the project site and that go-cart operations generate noise. The language and format of such notification shall be reviewed and approved by the Community Development Department prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner. Disclosure statements shall be provided only to property owners along the northern portion of the project site.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.6-4(a) was clarified to indicate that the measure will not be required if no longer applicable. MM 4.6-4(b) was modified to clarify implementation of the measure. The Council hereby determines based

on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.6-5 Short-term noise impacts from construction activities.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.6-5 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:

- Construction activities shall be scheduled to occur during normal daytime working hours, i.e. 7:00 AM to ~~9~~7:00 PM, on Mondays through Fridays, and from 8:00 AM to 8:00 PM on Saturdays and Sundays. 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.
- Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as is feasible.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.6-5 was modified to decrease allowed construction hours. This modification further restricts the hours during which neighbors will be exposed to construction noise and is therefore environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.6-6 Cumulative impacts of off-site traffic on on-site noise-sensitive uses.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.6-6(a) Implement MM 4.6-1.

4.6-6(b) In conjunction with the submittal of a tentative map application that identifies proposed residences on the project site which would have interior noise levels exceeding 45 dB Ldn, the project applicant shall provide a detailed acoustical analysis identifying appropriate mitigation measures to reduce the interior noise levels, consistent with City of Davis standards. These mitigation measures may include, but are not limited to, providing acoustically rated windows and doors at the most highly noise-impacted building façades. The mitigation measures shall be incorporated into the site design for the review and approval of the Community Development Director prior to the approval of tentative maps.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.6-7 Long-term traffic noise impacts to surrounding roadways from the proposed project, in combination with existing and future developments in the Davis area.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

CULTURAL RESOURCES**■ Impact**

4.7-1 Impacts to prehistoric resources on the project site.

Significance After Mitigation -- Less Than Significant**Adopted Mitigation Measures**

4.7-1(a) Prior to the approval of tentative maps issuance of grading permits, an archaeological monitor shall be retained 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." ~~the tentative maps shall state that during construction, if~~ any earth-moving activities uncover artifacts, exotic rock, or unusual amounts of bone or shell, work shall be halted in the immediate area of the find and shall not be resumed until after a the qualified archaeologist archaeological 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.

4.7-1(b) Prior to the approval of tentative maps, the tentative maps 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.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.7-1(a) was modified to add greater accountability in providing protection for cultural resources. These

measures require greater environmental mitigation of the project and are environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.7-2 Impacts to historic resources on the project site.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.7-2 Prior to construction, a subsurface investigation shall be conducted near the stone monument at Site P-57-000199, under the supervision of a qualified archaeologist, in order to determine if an associated burial exists nearby. If significant cultural resources are encountered, Mitigation Measures 4.7-1(a) and 4.7-1(b) shall be implemented, and the findings of the investigation shall be submitted to the City of Davis for review and approval.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.7-3 Long-term impacts to cultural resources from the proposed project in combination with existing and future developments in the Davis area.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.7-3 Implement MM 4.7-1(a-b) and MM 4.7-2.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

BIOLOGICAL RESOURCES

■ Impact

4.8-1 Elimination of the depression seasonal wetlands on-site, which serve as habitat for brittlescale, San Joaquin saltbush, heartscale, palmate-bracted bird's beak, and Heckard's pepper grass.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.8-1 Prior to the issuance of grading permits, the project applicant shall retain a botanist that has experience in identifying rare plants and is CDFG approved to conduct a survey for brittlescale, San Joaquin saltbush, palmate-bracted bird's beak, alkali milk-vetch, Heckard's pepper-grass, and heartscale. To properly assess the size and location of the plant populations, the seasonal wetlands and areas of known occurrences shall remain undisturbed for at least one growing season. In addition, the survey shall be conducted at the appropriate time of year (see Table 4.8-2) when the species are most likely to be detected. All special-status plant populations will be described and mapped. The results of the survey shall be submitted to the Community Development Department. If feasible, special-status plant populations shall be avoided and protected using methods developed through consultation with the CNPS and CDFG. Feasibility of avoidance shall be determined by the City at the time of tentative map approval. If special-status plant populations observed during the focused plant survey cannot be avoided, land supporting known populations of the species impacted shall be purchased by the applicant. If no land supporting the species can be located, the populations within the project site must be preserved. At a minimum, offsite mitigation shall occur at a 1:1 ratio (one plant preserved for each plant impacted). CNPS and CDFG shall be consulted to evaluate the suitability for transplanting impacted species to suitable habitats within the established offsite preserve. A detailed preservation management plan shall be prepared only for the special-status plant species found during the focused survey that includes the species found and the habitat

type. Preservation management strategies shall be developed in consultation with the CNPS and CDFG.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.8-1 was corrected to include a local species inadvertently missing from the original text. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-2 Removal of riparian vegetation and potential loss of local wildlife movement and migration corridors.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.8-3 Elimination of depression seasonal wetlands that cover approximately 5.59 acres and provide marginally suitable habitat for midvalley fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-3(a) Project design shall avoid vernal pool habitat if feasible. Feasibility shall be determined by the City at the time of tentative map approval.

If habitat cannot be avoided then, prior to the issuance of grading permits, in order to document the presence or absence and distribution of vernal crustaceans within the

project site, vernal pool crustacean surveys shall be conducted at the appropriate time of year and in accordance with the USFWS. If the project applicant assumes the presence of vernal pool crustaceans or if vernal pool crustaceans are found within the seasonal wetlands on-site, a USFWS approved buffer shall be established around the perimeter of the seasonal wetlands on-site. Suitable habitat and buffer areas shall be clearly identified in the field by staking or flagging, and no project activity shall occur within marked areas.

or

4.8-3(b) If complete avoidance of the above mentioned special-status vernal pool crustacean habitat is not feasible as defined in Chapter 1313 of the CEQA, the following shall apply. Feasibility shall be determined by the City at the time of tentative map approval. During Corps consultation (per Mitigation Measure 4.8-12), determination shall be made as to whether an incidental take permit shall be required and/or appropriate mitigation plan be developed and approved by USFWS. If determined necessary, the mitigation plan may include, but may not necessarily be limited to, one or more of the following take minimization measures: fencing seasonal wetlands by installation of hay bale erosion control barriers, and hydro-seeding of disturbed areas. Unavoidable impacts shall be mitigated through a combination of creation and preservation of vernal pool crustacean habitat. Offsite mitigation in a USFWS-approved mitigation banks such as Dolan Ranch Conservation Bank requires a ratio of 2:1 preservation acreage, plus a ratio of 1:1 creation acreage, for a total of 3 mitigation acres to 1 impacted acre. On-site mitigation ratios are slightly higher, requiring 3:1 for preservation and 2:1 for creation

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-4 Loss of habitat for, and removal of, valley elderberry longhorn beetle.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-4(a) If feasible, elderberry shrubs on the project site shall be protected and incorporated into the landscape. Feasibility shall be determined by the City at the time of tentative map approval. Prior to the commencement of construction activities, the applicant shall place protective fencing around the elderberry shrub creating a 100-foot

buffer protection zone. All construction activities and equipment shall remain outside of the 100-foot buffer protection zone throughout the construction period. Construction activities shall be monitored by a qualified biologist.

4.8-4(b) If avoidance of the buffer protection zone is not feasible, the applicant shall consult with the USFWS for the appropriate action prior to encroaching upon the 100-foot buffer. If the elderberry shrub must be removed, an incidental take permit may be required by USFWS for take of valley elderberry longhorn beetle. During this consultation, an appropriate mitigation plan shall be developed and provided to the USFWS for approval.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-5 Impacts to giant garter snake.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.8-5(a) Prior to the issuance of grading permits, focused surveys approved by the USFWS shall be conducted for GGS. These surveys shall be conducted by a qualified biologist during the appropriate time of year for optimal detection. Results of the surveys will be provided to the Corps and USFWS as part of the Corps Section 404 permit application and, if the Corps determines that the project may affect the GGS, formal consultation and appropriate mitigation measures approved in consultation with the USFWS will be required. Alternatively, if this species is not found to occur on the project site, or the Corps determines that the project is not likely to adversely affect the GGS, no further mitigation is required.

4.8-5(b) If the GGS is found to occur in the project site, a Mitigation Plan shall be prepared and approved by USFWS that includes measures to avoid take of giant garter snake during construction activities. At a minimum, the following mitigation measures shall be incorporated into the mitigation plan:

- Construction activities within 200 feet from the banks of giant garter snake aquatic habitat will be avoided where possible. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.

- Construction activity within habitat shall be conducted between May 1 and October 1 to minimize impacts to the GGS. For any activities needed between October 2 and April 30, contact the USFWS office to determine if additional measures are necessary to minimize and avoid take.
- Clearing shall be confined to the minimum area necessary to facilitate construction. Avoidance areas shall be flagged and marked as "Environmentally Sensitive Areas." These areas shall be avoided by construction personnel.
- Construction personnel shall receive USFWS-approved worker environmental awareness training. This training shall instruct workers to recognize GGS and its habitat.
- 24 hours prior to construction activities, the project site shall be surveyed for GGS. Survey of the project site shall be repeated if a lapse in construction activity of two weeks or greater has occurred. If GGS is encountered during construction, activities shall not begin until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Any sightings and any incidental take will be reported immediately to the USFWS at (916) 414-6600.
- Any dewatered habitat shall remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.
- All construction debris and stockpiled materials shall be removed following construction.
- The construction area shall be regraded to preexisting contours, or a contour that would improve restoration potential of the site.

4.8-5(c) After construction is completed, disturbed areas within GGS habitat shall be revegetated. The goal of the revegetation is to attempt to restore conditions similar to that of adjacent or nearby habitats.

Recommended plantings consist of the following: a) wetland emergents, b) low-growing cover on or adjacent to banks, and c) upland plantings/hydroseeding mix to encourage use by other wildlife. Riparian plantings are not appropriate because shading may result in lack of basking sites. Native plantings are encouraged except where non-natives will provide additional values to wildlife habitat and will not become invasive in native communities. Cuttings, plantings, plugs or seeds from local sources should be used whenever possible.

Construction personnel completing site preparation and grading operations shall receive USFWS-approved environmental awareness training. This training instructs workers on how to identify the giant garter snake and what to do if a snake is encountered. This program shall be performed on-site by a qualified biological monitor.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-6 Impacts to northwestern pond turtle.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

4.8-6(a) A pre-construction survey shall be conducted no more than 24 hours prior to initial construction activities (clearing, grading) in Channel “A” and Covell Drain by a qualified biologist. The biologist shall relocate any northwestern pond turtle outside of the impact area. The results of the survey shall be submitted for the review of the Community Development Department and CDFG.

4.8-6(b) A qualified biological monitor shall be present when vegetation is removed from Channel “A” and Covell Drain. The biologist shall relocate any northwestern pond turtle outside of the impact area.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-7 Temporary loss of aquatic habitat on-site and the potentially permanent loss of western spadefoot toad aestivation habitat.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-7 Applicant shall re-locate off-street pedestrian path to avoid upland and wetland habitat. Feasibility of upland and wetland habitat avoidance shall be determined by the City at the time of tentative map approval.

If avoidance is not feasible then, prior to the issuance of grading permits, a qualified biologist will conduct a nocturnal USFWS protocol-level survey during the winter months, preferably between January and March. If western spadefoot toad is detected on-site, mitigation measures outlined for vernal pool crustaceans (MM 4.8-3 a,b) and Sensitive Habitats (MM 4.8-12 a,c) will adequately minimize and avoid adverse affects to western spadefoot toad. The results of the survey shall be submitted for the review and approval of the City of Davis and CDFG/USFWS. If western spadefoot toad is not found on-site, no further mitigation is required.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-8 Loss of Swainson's hawk nesting habitat.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-8(a) If avoidance of project activity during the breeding season is not feasible, CDFG-approved pre-construction surveys shall be conducted as a condition of grading permit issuance by a qualified biologist to identify active nests on-site and within 0.25 miles of the project site. Feasibility shall be determined by the City at the time of tentative map approval. The survey shall be conducted no less than 14 days and no more than 30 days before the beginning of construction between the months of April to early September. If no active nests are found during the focused survey, no further mitigation shall be required.

4.8-8(b) Because the on-site nest is known to be active and others are likely, potential adverse affects to this species shall be avoided by establishment of CDFG approved buffers. No construction activities shall take place within 0.25 mile of the nest until the young have fledged. Weekly monitoring reports summarizing nest activities shall be submitted to the City of Davis 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.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-9 Loss of 422 acres of suitable Swainson’s hawk foraging habitat.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.8-9 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, and Woodland, the County of Yolo, and the 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. Prior to issuance of grading permits, the applicant shall pay the appropriate fee per the Agreement to Yolo County HCP/NCCP Joint Powers Agency for 422 acres of potential foraging habitat affected:

or

4.8-9(b) Prior to approval of the first tentative map, the project applicant shall develop a plan in consultation with CDFG to compensate for loss of Swainson’s hawk foraging habitat resulting from development of the project site. This agreement shall set aside in perpetuity, an equivalent amount of contiguous Swainson’s hawk foraging land elsewhere in Yolo County through the purchase of development rights and execution of irreversible conservation or agricultural easement. This acreage shall be permanently protected from future development via enforceable deed restrictions. Protected acreage equal to the total acreage of any particular phase shall be set aside prior to commencement of any development activity within that phase.

Acreage set aside required by Mitigation Measure 4.2-1 (4.2, Agricultural Resources) for loss of agricultural land may be used jointly to satisfy all or a portion of this mitigation requirement, so long as it meets the habitat needs of the species and is retained in active agricultural uses. The land shall be managed via an agreement satisfactory to the City and Department of Fish and Game, governing operations such that it remains agriculturally productive and also provides hawk habitat. Land that does not meet the

intent of both measures cannot be used as joint mitigation, in which case more acreage would be needed in order to satisfy both mitigations.

Findings of Fact

In analyzing the merits of the project and making project recommendations to the decision makers, the staff has recommended a modification the original wording of this impact/mitigation measure presented in the DEIR. MM 4.8-9(b) was added to allow for a project specific Swainson's Hawk mitigation in the form of permanently protected land rather than exclusively restricting the mitigation to the payment of fees. This is more immediate than the original measure and results in actual (rather than planned) habitat protection which is environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-10 Loss of western burrowing owl nesting and foraging habitat.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-10(a) The Staff Report on Burrowing Owl Mitigation, published by CDFG (1995), recommends pre-construction surveys shall be conducted to locate active burrowing owl burrows. Prior to issuance of grading permits, this preconstruction survey shall be conducted by a qualified biologist or ornithologist during both the wintering and nesting season, unless the species is detected on the first survey. If possible, the winter survey shall be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (the peak of breeding season). Surveys conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise, are preferable. The survey techniques shall be consistent with the Staff Report survey protocol and include a 250-foot-wide buffer zone surrounding the project area. Repeat surveys should also be conducted not more than 30 days prior to initial ground disturbance to inspect for re-occupation and the need for additional protection measures.

4.8-10(b) If no burrowing owls are detected during preconstruction surveys, then no further mitigation is required. If active burrowing owl burrows are identified, project activities shall not disturb the burrow during the nesting season (February 1–August 31) or until a qualified biologist has determined that the young have fledged or the burrow has been abandoned. A no disturbance buffer zone of 160-feet is required to be established around each burrow with an active nest until the young have fledged the burrow as determined by a qualified biologist.

4.8-10(c) If destruction of the occupied burrow is unavoidable during the non-breeding season, September 1– January 31, passive relocation of the burrowing owls may be conducted. Feasibility of avoiding destruction of burrows shall be determined by the City at the time of tentative map approval. Passive relocation involves installing a one-way door at the burrow entrance, encouraging owls to move from the occupied burrow. No permit is required to conduct passive relocation; however, this process shall be conducted by a qualified biologist and in accordance with CDFG mitigation measures. In addition, to offset the loss of foraging habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 300 ft foraging radius around the burrow) per pair or unpaired resident bird, shall be acquired by the applicant and permanently protected at a location acceptable to the CDFG.

4.8-10(d) If burrowing owls are identified on the project site, the City of Davis must receive copies of the Mitigation Agreement by and between the applicant and CDFG, prior to the issuance of grading permits for the proposed project.

Findings of Fact

In analyzing the merits of the project and making project recommendations to the decision makers, the staff has recommended a modification the original wording of this impact/mitigation measure presented in the DEIR. MM 4.8-10(c) was clarified to specify that the applicant (rather than some other party) must implement the mitigation. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-11 Loss of nesting and foraging habitat for raptors and migratory birds.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-11(a) Active raptor nests are protected by the California Fish and Game code Section 3503.5 as well as the MBTA. For this reason, if construction is expected to occur during the nesting season (February through August), a pre-construction raptor survey shall be conducted to determine if active raptor nests are present on the site. The survey shall be conducted by a qualified biologist no more than 30 days prior to the onset of construction and the results of the survey shall be submitted to the City of Davis Community Development Department for review. If active nests are found, construction activities shall not occur within 500 feet of the nests until the young have fledged or a qualified biologist has determined that a nest is no longer active. If construction activities are proposed to occur during non-breeding season (August-January), a survey is not required and no further studies are necessary.

4.8-11(b) Implementation of MM 4.8-3(a-b), MM 4.8-9, and MM 4.8-12(a-c) will adequately mitigate for the loss of foraging habitat.

Findings of Fact

In analyzing the merits of the project and making project recommendations to the decision makers, the staff has recommended a modification the original wording of this impact/mitigation measure presented in the DEIR. The modification is for purposes of clarification of the measures and implementation. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.8-12 Removal of sensitive habitat associated with Channel “A” and Covell Drain, as well as cropland habitat and Jurisdictional Waters of the U.S.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-12(a) Prior to the issuance of grading permits, authorization for fill of Jurisdictional Waters of the U.S., including wetlands, shall be secured from the Army Corps of Engineers through the Section 404 permitting process. It is anticipated that approximately 5.60 acres of depressional seasonal wetland, 0.34 acres of perennial

marsh, 3.05 acres of perennial drainage (Channel “A” and Covell Drain), and 1.17 acres of associated irrigation ditch and canals would be impacted. An individual permit under Section 404 of the Clean Water Act would be required for impacts to Waters of the U.S. including wetlands greater than 0.5 acres. As part of the individual permit, National Environmental Protection Act (NEPA) compliance and a Section 404(b) (1) Alternatives Analysis must be completed. In addition, Regional Water Quality Control Board certification is required pursuant to Section 401 of the Clean Water Act to obtain an individual permit.

4.8-12(b) Prior to the issuance of grading permits, a CDFG Streambed Alteration agreement shall be obtained from CDFG for alteration of and removal of 4.70 acres riparian vegetation associated with Channel “A” and Covell Drain.

4.8-12(c) The acreage of jurisdictional habitat removed shall be replaced on a “no-net-loss” basis in accordance with Corps and CDFG regulations. Creation of the wetland and riparian habitat included as part of the project description is anticipated to be adequate to satisfy agency requirements. A conceptual on-site wetlands mitigation plan, including an agreed-upon replacement ratio of wetlands with the Corps, shall be developed by a qualified biologist. The mitigation plan shall quantify the total jurisdictional acreage lost, describe creation/replacement ratio for acres filled, annual success criteria, potential mitigation-sites, and monitoring and maintenance requirements. The plan shall be prepared by a qualified biologist pursuant to, and through consultation with, the Corps. The plan may include funding mechanisms for future maintenance of the wetland and riparian habitat, which may include an endowment or other funding from the project applicant.

Findings of Fact

In analyzing the merits of the project and making project recommendations to the decision makers, the staff has recommended a modification the original wording of this impact/mitigation measure presented in the DEIR. MM 4.8-12(c) was clarified to specify that the mitigation plan must be developed by a qualified biologist. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.8-13 Removal of protected trees.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

4.8-13(a) Prior to the submittal of tentative maps, a sheet shall be included with the maps which indicates all of the trees identified, and marks which of those trees are to be removed. 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 maps, 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 Community Services Department prior to execution. A penalty clause in event of damage to existing trees shall be replacement tree(s) of equal size in D.B.H. unless specified otherwise by the Parks and Community Services Department.

4.8-13(b) In conjunction with submittal of tentative map applications, 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:

- Trees shall be fenced 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;
- 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 with drip-line shall be performed only with prior approval of the Parks and Community Services Department is preferred when feasible;

- All paving plans and specifications shall clearly prohibit the use of soil sterilants adjacent to preserved trees;
- 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;
- The property owner or designated representative has the responsibility of ensuring that all trades/subcontractors and utility companies abide by preservation conditions; and
- From the conception of plans, architects, developers, engineers and/or planners shall locate and identify all existing trees on the tentative map and shall make every effort to comply with the City policies for tree preservation.
- A penalty clause in event of damage to existing trees shall be replacement tree(s) of equal size in D.B.H. unless specified otherwise by the Parks and Community Services Department.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.8-14 Cumulative loss of biological resources in the City of Davis and the effects of ongoing urbanization in the region.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

GEOLOGY

■ Impact

4.9-1 Impact of seismic activity on proposed development.

Significance After Mitigation -- Less Than Significant**Adopted Mitigation Measures**

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.9-2 Increased soil erosion.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

4.9-2 Prior to the City approving subdivision improvement plans and/or issuing building permits, the developer shall prepare individual storm water pollution prevention plans (SWPPP) applicable to the individual project being considered, consistent with the California DWR NPDES requirements.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.9-3 Damage to foundations, pavements, and other structures from expansive soils.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

4.9-3 Prior to the approval of final maps, a final design-level geotechnical report will be prepared and submitted to the City for review and approval. The geotechnical consultant will consider the recommendations made in the Geotechnical Investigation prepared by Raney Geotechnical (May 1989) and their appropriateness for the Covell Village site plan. The recommendations of the final geotechnical report will be incorporated into the project design prior to issuance of building permits for review and approval of the City Engineer and Chief Building Official.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.9-4 Long-term geologic and seismic impacts from the proposed project in combination with existing and future developments in the Davis area.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

HAZARDS**■ Impact**

4.10-1 Presence of pesticide and herbicide residues on the project site.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

4.10-1 In conjunction with a tentative map application or final planned development application creating parcels that would accommodate sensitive receptors, the project applicant shall provide to the City of Davis a detailed environmental assessment pertaining to the on-site soils. If no pollutants of concern are detected, further mitigation is not necessary. If the assessment finds concentrations of a pesticide or herbicide above regulatory cleanup or human health risk-based thresholds, prior to issuance of a grading permit the City of Davis shall require the applicant to remediate the pesticide or herbicide to the satisfaction of Yolo County Environmental Health Department and the DTSC.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.10-1 was clarified to specify a human-health-based risk threshold for implementation of the measure. This modification serves to increase the mitigation requirements of the project and is

environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.10-2 Impacts from polychlorinated biphenyl (PCB)-containing transformers.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.10-2 In conjunction with the submittal of any tentative map application, the project applicant shall provide to the City of Davis an assessment conducted by PG&E pertaining to the contents of the existing pole-mounted transformers located along the western and eastern edges of the property. If the transformers are found to be non-PCB-containing transformers, further mitigation shall not be required. If the transformers are found to be PCB-containing transformers, the maintenance and/or disposal of the transformers will be subject to the regulations of the Toxic Substances Control Act (TSCA) under the authority of the Yolo County Environmental Health Department.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.10-3 Exposure of construction workers to asbestos and lead-based paint.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.10-3(a) In conjunction with the application for a demolition permit of an existing structure on the site, the project applicant shall provide to the Community Development Department a detailed assessment pertaining to the potential presence of asbestos-

containing materials in project site structures scheduled for demolition. If asbestos-containing materials are not detected, further mitigation shall not be required. If asbestos-containing materials are detected, the application shall include an asbestos abatement plan consistent with local, State, and federal standards, subject to the approval of the Building Official.

4.10-3(b) In conjunction with the application for a demolition permit for an existing structure on the site, the project applicant shall provide to the Community Development Department a detailed assessment pertaining to the potential presence of lead-based paint in project site structures scheduled for demolition. If lead-based paint is not detected in the assessment, further mitigation shall not be required. If such paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, State, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, State, and federal regulations subject to approval of the Building Official.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.10-4 Presence of aboveground storage tanks, underground storage tanks, and substance containers.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.10-4(a) Prior to the issuance of a grading permit for any portion of the site, including preliminary grading and trenching for infrastructure, the applicant shall submit a detailed assessment of the project site for the review and approval of the City Engineer. The assessment shall include a determination of whether the four pipes extending from the ground within the barn area are associated with underground storage tanks, and if so, the nature of any potential contaminants associated with the tanks. If contaminants are not detected in the environmental assessment, further mitigation shall not be required. If contamination is identified, a remediation plan shall be submitted, and all contaminants shall be removed to the satisfaction of the City of Davis and Yolo County Environmental Health Department.

4.10-4(b) Prior to the issuance of a grading permit for any portion of the site, including preliminary grading and trenching for infrastructure, the applicant shall obtain a permit to abandon the on-site septic system from the Yolo County Environmental Health Department. The applicant shall provide the following information for the Environmental Health Specialist to process the request: the assessor's parcel number(s); site soils information; and a detailed site plan including active or inactive wells, water or drainage courses, landscape contours, structures, property lines, and easements.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.10-5 Impacts due to the presence of onsite groundwater monitoring wells (3), agricultural wells (4), and gas wells (3).

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.10-6 Groundwater impacts resulting from the nearby City of Davis Landfill Facility.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.10-6 ~~In the event that the water consultant finds that the City's existing water system cannot provide sufficient flow and/or pressure to serve the development and requires the construction of a new deep aquifer well on the project site, t~~The groundwater at the final well location(s) shall be tested by the project applicant for the presence of petroleum-related contaminants, including volatile organic compounds (VOCs). The City Engineer shall be responsible for the oversight of the water quality testing and the review of results.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.10-6 was clarified to specify that water quality testing of the new wells is required under any circumstance. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.10-7 Potential hazards associated with future gas station on the project site.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.10-8 Impact of the Proposed Project on the existing on-site gas pipeline.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.10-8 In conjunction with the submittal of any tentative map application, the applicant shall provide evidence to the Community Development Department that the site design either has accommodated or will relocate the existing gas pipelines in accordance with PG&E standards.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.10-9 Long-term hazards-related impacts from the Proposed Project in combination with existing and future developments in the Davis area.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

HYDROLOGY, WATER QUALITY, AND DRAINAGE**■ Impact**

4.11-1 Exposure of people and structures to flood hazards on the project site.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.11-1 City approvals of future development on the project site shall require that: a) the ground floor elevation of all inhabited structures shall be constructed at or above the base flood elevation (BFE) as indicated on the Flood Insurance Rate Map; and b) outdoor storage areas for hazardous materials and wastes shall be elevated above the BFE or otherwise flood-proofed using containment or other acceptable methods.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.11-2 Increased stormwater runoff from the project site contributing to downstream flooding.

Significance After Mitigation -- Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.11-3 Construction-related impacts to surface water quality.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.11-4 Long-term water quality degradation associated with urban runoff from the project site.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.11-5 Groundwater quality impacts to Covell Village residents and workers.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.11-6 Long-term increases in peak stormwater runoff flows from the proposed project in combination with existing and future developments in the Davis area.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

PUBLIC SERVICES AND FACILITIES**■ Impacts**

4.12-1 Adequate ratio of fire department personnel to residents.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

4.12-1 Prior to recordation of the first final map for the Project, the City Council shall approve the fiscal plan for the Covell Village development establishing how the fire department personnel and equipment will be provided, in accordance with the phasing for the Project, consistent with acceptable City-wide service level standards. Allocation of standard funding sources such as new property tax and other revenues anticipated from the proposed development may be supplemented with other funds provided by the developer, or other funds as identified by the City Council.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.12-1 was corrected to specify that the fiscal impact analysis will examine equipment needs as well as personnel. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to

clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impacts

4.12-2 Adequate ratio of law enforcement personnel to residents.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.12-2 Prior to recordation of the first final map for the Project, the City Council shall approve the fiscal plan for the Covell Village development establishing how the police department personnel and equipment will be provided, in accordance with the phasing for the Project, consistent with acceptable City-wide service level standards. Allocation of standard funding sources such as new property tax and other revenues anticipated from the proposed development may be supplemented with other funds provided by the developer, or other funds as identified by the City Council.

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.12-2 was corrected to specify that the fiscal impact analysis will examine equipment needs as well as personnel. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.12-3 Residences outside five-minute response time.

Significance After Mitigation – Less Than Significant and Unavoidable**Adopted Mitigation Measures**

4.12-3 ~~Prior to issuance of building permits, or at such other time as established in the City's fee schedule, the project shall pay its fair share of the costs of constructing and equipping the fire station within the Proposed Project.~~ None Required

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.12-3 was deleted because the applicant has modified the project description to include dedication of land, construction of the station, and funding for equipment and operations. This commitment has also been identified in the Development Agreement. Therefore it is not necessary to include this as a mitigation measure, and implementation is ensured. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.12-4 Increased demand for wastewater disposal.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

4.12-4 None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.12-5 Increased demand for water supply.

Significance After Mitigation – Less Than Significant**Adopted Mitigation Measures**

4.12-5(a) Prior to the approval of final map(s), the applicant shall work with the City Engineer to construct well(s), which provide the flow rates for the total peak demand shown in Table 4.12-3 of the EIR.

4.12-5(b) Final well location(s) shall provide acceptable buffer from adjacent city well sites as determined by the City Engineer.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

In 2001, the California Legislature passed Senate Bills 610 and 221, amending provisions of state law to create a greater degree of linkage between new development and water supply for new development. SB 610 requires the preparation of a water supply assessment for any new residential subdivision of more than 500 units. (Water Code, § 10910.) The water supply assessment addresses the ability of the water supplier to provide water for its existing and expected future demands as well as the anticipated needs of the proposed new development. SB 610 requires the preparation of the water supply assessment as part of the CEQA process for the project. SB 221 requires the local agency to obtain a written verification of adequate water supply. (Government Code, § 66473.7.) The verification must be provided prior to the approval of the final subdivision map for the project. The agency cannot approve the final map absent such a verification.

The City has complied with SB 610. The City of Davis is both the land-use decision-maker and the local “public water system.” In November 2004, the City Department of Public Works, as the water purveyor, prepared a water supply assessment for Covell Village, in accordance with the requirements of Water Code section 10910. The City included the water supply assessment in the Draft EIR. (See Draft EIR, Appendix K.) The Department of Public Works concluded Covell Village would need to develop one or two new wells in the deep aquifer to meet its peak demands at build-out. (Draft EIR, Appendix K, page 5.) The development agreement requires Covell Village to develop a deep-aquifer well at the outset of the project. At this time, it is not known whether a second well will be required. If and when a second well is required, the project will contribute to the cost of the second well through payment of fees.

Mitigation Measure 4.12-5 ensures that wells will be developed as needed as the project builds out. The analysis indicates the deep-aquifer contains sufficient water to meet the needs of the project. Thus, there will be no adverse effects on the City’s ability to serve its other existing and planned future water customers. (Id. at pp. 12-13.) By preparing a water supply assessment and circulating the assessment for public review as part of the draft EIR, the City has complied with Water Code Section 10911, subdivision (b). If the City approves the project, then the City must “determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses.” (Water Code, § 10911, subd. (c).) The water supply assessment, together with the information in the EIR (Draft EIR, pp. 4.12-33 - 4.12-34), provides the evidence necessary to make this

determination. Because the City is requiring Covell Village to develop the additional well capacity to serve the projected needs of the project, Public Works has already determined that the water supply is sufficient. (See Water Code, § 10911, subd. (c) (a formal “finding” is not required unless the Council determines the water supply to be insufficient).)

SB 221 is tied, not to the CEQA process, but to the approval of subdivision maps. SB 221 provides that “any tentative map that includes a subdivision” must include a condition “requir[ing] that a sufficient water supply shall be available.” (Government Code, § 66473.7, subd. (b)(1).)

Upon request, the “public water system” must provide a “written verification” of its ability or inability to provide a water supply to meet projected demand associated with the subdivision. (Government Code, § 66473.7, subd. (b).) Covell Village has not applied for a tentative map. For this reason, SB 221 is not relevant to the application before the City. When Covell Village applies for a tentative map in accordance with the terms of its development agreement, the tentative map must include a condition requiring verification of the availability of water supply prior to final map approval. The City, acting as “public water system” will be responsible for issuing the verification at that time.

With regard to potential future surface water supply, the City and UC Davis completed a Joint Water Supply Feasibility Study in 2002, to evaluate long-term water supply options for the City and University, including the possibility of incorporating surface water. That document indicates that a water rights application to appropriate water from the Sacramento River was filed in 1994, and the City and UC Davis continue the lengthy process of pursuing their rights under that application. (Joint Water Supply Feasibility Study, p. 1-7.) The City is about to begin the process of preparing an EIR/EIS to support these water rights applications, but does not expect to certify the document until at least 2007. (Staff Presentation, Meeting of the Natural Resources Commission, April 25, 2005.) If the State Water Resources Control Board grants the water rights, construction of the conveyance project will begin around 2015. (Ibid.) Thus, while the City continues to diligently pursue this option, it is premature to discuss construction of a pipeline to convey surface water that has not yet been appropriated by for use by the City of Davis. In any event, Covell Village does not depend on the development of such surface water supplies.

■ Impact

4.12-6 Impacts to the groundwater aquifer.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.12-7 Increased demand for school resources.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.12-8 Increased demand for solid waste disposal/recycling services.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.12-8 Prior to approval of final maps, a recycling and waste collection plan shall be submitted by the applicant which shall be subject to the review and satisfaction of the Public Works Director.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.12-9 Increased demand for park and recreation services and facilities.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.12-9(a) Developer shall dedicate, and provide for the improvement of, the greenbelt acreage in accordance with city policies and regulations, at the time of approval of Final Map(s)

4.12-9(b) Developer shall dedicate parkland in accordance with the provisions of State law and city ordinances.

4.12-9(c) The applicant shall redesign the project so that all residential units are within 3/8 of a mile from a neighborhood park; or the City shall determine, at the time of approval of the first tentative map, that the proposed parks are substantially in conformance with the General Plan standard.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact

4.12-10 Impacts to gas and electric facilities.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact

4.12-11 Long-term impacts to public services and facilities from the proposed project in combination with existing and future developments in the Davis area.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

POPULATION, HOUSING, AND EMPLOYMENT

■ Impact

4.13-1 Inconsistency with City of Davis affordable housing policies and Affordable Housing Ordinance.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.13-1 City Council shall determine the consistency of the applicant's Housing Support Proposal with the Davis Affordable Housing Ordinance and approve the Proposal with any necessary amendments required to ensure compliance with City standards.

Findings of Fact

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

■ Impact

4.13-2 Inconsistency with Growth Management Action "e" of the Davis General Plan.

Significance After Mitigation – ~~Less Than Significant~~ and Unavoidable

Adopted Mitigation Measures

~~4.13-2 The City of Davis shall delete Action "e" of Growth Management Policy LU 1.1 or amend it to acknowledge the current and potential changes to the target growth rate and City population listed in Action "e."~~ None Available

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. MM 4.13-2 was deleted because it does not qualify as mitigation per the definition provided in CEQA Guidelines Section 15370. The policy will be identified for deletion as a part of the Council's final action on the project, but not as a mitigation measure. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council finds that there are no feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level or partially reduce this measure. This impact, therefore, remains

significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

■ Impact

4.13-3 Impacts to employment.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

None Required

Findings of Fact

Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

■ Impact

4.13-4 Long-term impacts to population, housing, and employment from the proposed project in combination with existing and future developments in the Davis area.

Significance After Mitigation – ~~Less Than Significant~~ and Unavoidable

Adopted Mitigation Measures

~~4.13-4 Implement MM 4.13-2.~~ None Available

Findings of Fact

In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council finds that there are no feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level or partially reduce this measure. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.