

2

REVISIONS TO THE DEIR TEXT

INTRODUCTION

This chapter presents all of the revisions made to the DEIR as a result of either staff initiated changes or in response to comments received. New text is double underlined and deleted text is struck through. Text changes are presented in the page order in which they appear in the DEIR.

Some revisions, which occurred as a result of public comments that were made during the DEIR circulation, are followed by comment numbers. An example is the following sentence, “Page 11-22 of the DEIR is hereby revised to read (Comment 1-23) . . .”. In this example, the revision that follows the sentence was made as a result of the twenty-third bracketed section (to which the number 23 refers) within the first comment letter (to which the number 1 refers).

TEXT CHANGES

NOTE: New text is double underlined; deleted text is struck through.

2.0 EXECUTIVE SUMMARY

For clarification purposes the last paragraph on page 2-5 of the DEIR is revised to read (*Comment 18-1*):

The Draft EIR found that the proposed project would have significant impacts related to necessitating the relocation of existing groundwater monitoring and extraction wells, which are part of the Frontier Fertilizer site remediation program. One of the wells to be removed, X-10B has detected low levels of carbon tetrachloride in the ground water plume under the western portion of Lot 17. These impacts would be reduced to less-than-significant through the implementation of the mitigation measures required in the EIR, including the relocation/reconstruction of existing wells by the applicant with oversight from USEPA and DTSC. The Draft EIR also found that the presence of on-site debris and the historical use of pesticides on the project site would also result in significant impacts. However, through implementation of the mitigation

Table 2-1 is hereby amended according to the revisions below.

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
4.1 Aesthetics			
4.1-1 Impacts related to altering the existing undeveloped character of the project site.	LS	4.1-1 <i>None Required.</i>	N/A
4.1-2 Impacts to scenic resources.	LS	4.1-2 <i>None Required.</i>	N/A
4.1-3 Impacts related to light and glare.	S	4.1-3 <i>Prior to the issuance of building permits <u>and field check by inspector to confirm compliance</u>, the developer shall submit a lighting plan for the review and approval of the Building Official of the City of Davis <u>Community Development Department</u>. The lighting plan shall include shielding on all light fixtures and shall address limiting light trespass and glare through the use of shielding and directional lighting methods, including but not limited to, fixture location and height. The Plan shall comply with Chapter 6 of the Davis Municipal Code - - Article VIII <u>Section 8.17.0: Outdoor Lighting Control</u>.</i>	LS

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<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
4.1-4 Long-term impacts to the visual character of the region from the proposed project in combination with existing and future developments in the Davis area.	LS	4.1-4 <i>None Required.</i>	N/A
4.2 Land Use			
4.2-1 Compatibility with existing land uses.	LS	4.2-1 <i>None Required.</i>	N/A
4.2-2 Consistency with the City of Davis' plans, policies, and ordinances.	LS	4.2-2 <i>None Required.</i>	N/A
4.2-3 Consistency with the City of Davis' plans, policies, and ordinances. (Cumulative)	LS	4.2-4 <i>None Required.</i>	N/A
4.3 Transportation and Circulation			
4.3-1 Impacts related to increases in traffic as a result of the	S	4.3-1 <i>The applicant shall fully fund the design and installation of a traffic signal at Second</i>	LS

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<p>proposed project on Second Street/Faraday Avenue.</p>		<p><i>Street/Faraday Avenue. Prior to occupancy of the first commercial building, the signal at the Second Street/Faraday Avenue intersection shall be installed and operational as determined by the City Engineer. The intersection should have the following lane configuration:</i></p> <ol style="list-style-type: none"> <i>1. Eastbound Second Street: One 200-foot left-turn pocket; two 300-foot through lanes</i> <i>2. Westbound Second Street: One left-turn pocket, existing length; one through lane; and one right-turn lane, 200 feet long (designate existing outside through lane as right turn lane 200 feet east of the intersection)</i> <i>3. Project Driveway: One left-turn lane, and one shared through-right lane, striped back to the internal 3-way stop intersection on site.</i> <p><i>Additional design features of this intersection should include crosswalks across the West leg of Second Street, the Project driveway, and the driveway</i></p>	

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<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<i>opposite the Project driveway. Transit stops, if transit routes providing direct service on Second Street are provided in the future, should be located west of the intersection in the eastbound direction, to avoid queueing that would back up into the intersection. In the westbound direction, the proposed turnout that is part of the Project site plan can be used for the stop. Queueing is not a concern with the turnout.</i>	
4.3-2 Mace Boulevard Overcrossing.	LS	4.3-2 <i>None Required.</i>	N/A
4.3-3 Impacts regarding the provision of efficient site access and circulation.	S	4.3-3 <i>The site plan shall be revised prior to issuance of building permits for the review and approval of the City Engineer. The following elements shall be incorporated into the project site plan:</i> <i>1. Add center stripe and outbound STOP and "Right-Turn Only" signs to the northernmost driveway.</i> <i>2. Add center stripe and outbound STOP and "Right-Turn Only" signs to the driveway just south of the northernmost driveway. In addition,</i>	LS

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		<p><i>extend on-site curb/sidewalk to the west and eliminate the first two parking spaces nearest this driveway.</i></p> <p>3. <i>At the primary project driveway, which shall be signalized per Mitigation Measure 4.3-1, stripe the outbound portion of the driveway to provide separate left-turn and shared through-right lanes. The inbound portion should be striped for separate shared through-left and right-turn lanes, striped about half-way back to the signal. The median on this driveway should extend further west to align with the east curb of the primary north-south aisle. At the internal intersection of the primary driveway and the primary north-south aisle, provide STOP signs on the northbound, southbound and eastbound approaches, along with signs noting “Traffic From Right Does Not Stop,” “Traffic From Left Does Not Stop,” and “Oncoming Traffic Does Not Stop” signs, on the three approaches, respectively.</i></p>	

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		<p>4. At the southernmost driveway on Second Street (south of the primary driveway), provide a center stripe and outbound STOP and “Right-Turn Only” signs. The median opening will be closed at this location.</p> <p>5. Large Target delivery truck access routes should be defined in accordance with the primary (not ‘alternate’) entry and exit routes shown on Figure 4.3-17.</p> <p>6. Provide bicycle parking spaces (number to be based on City Bikeway Plan Guidelines), near the Target store and near each of the other four buildings on-site.</p>	
4.3-4 Impacts pertaining to acceptable access and circulation for bicycles, pedestrians and transit users.	LS	4.3-4 None Required.	N/A
4.3-5 Impacts to traffic flow from construction traffic associated with grading and development of the project site.	S	4.3-5 Prior to any 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	LS

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		<i>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.</i>	
4.3-6 Impacts to on-site parking.	S	4.3-6 <i>The site plan shall be revised prior to issuance of building permits to change one of the standard parking spaces nearest pad building D to an accessible space. The modification shall be reviewed and approved by the Community Development Director Department.</i>	LS
4.3-7 Cumulative impacts regarding the deterioration of LOS of the Second Street/Mace Boulevard intersection.	S	4.3-7 <i>Prior to initial occupancy of the first commercial building, the applicant shall either (a) pay for a traffic operations analysis to support the development of a new optimized signal timing plan for Second Street/Mace Boulevard to restore LOS E conditions, working with the City Engineer, or (b) pay for the design and construction of a second northbound left turn lane to better accommodate the northbound left turn volume, and re-time the signal, to provide LOS D conditions in the Cumulative With Project case. The final determination shall be made</i>	LS

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		<i>by the City Engineer.</i>	
4.3-8 Cumulative impacts regarding the LOS at the intersections of Second Street/Cantrill Drive, Second Street/Peña Drive, and Second Street/Cousteau Place.	S	4.3-8 <i>The City of Davis shall monitor the intersections of Second Street/Cantrill, Second Street/Peña, and Second Street/Cousteau to determine when and if signals should be installed based on a full warrant analysis. The City shall require a fair share payment of the cost of the new signals from the applicant through commitments in the Development Agreement. These commitments may be subject to repayment if the signals are not found to be warranted within an agreed time period as determined by the City. The mitigation reduces the impact to a less-than-significant level because the signals will be installed with a project contribution if they are found to be warranted; and if they are found not to be warranted, the cumulative significant impact is negated.</i>	LS
4.3-9 Impacts to Remainder Access Road.	LS	4.3-9 <i>None Required.</i>	N/A
4.3-10 Cumulative freeway mainline and ramp impacts.	LS	4.3-10 <i>None Required.</i>	N/A
4.4 Air Quality			

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4.4-1 Exhaust emissions and fugitive particulate matter emissions from project-associated construction activities.	LS	<p>4.4-1 Prior to initiation of grading operations, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Quality Management District. This plan shall ensure that adequate dust controls are implemented during all phases of project construction, including the following:</p> <ul style="list-style-type: none"> • Apply nontoxic soil stabilizers according to manufacturer’s specifications to all inactive construction areas (previously graded areas inactive for ten days or more). • Reestablish ground cover in disturbed areas quickly. • Water 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 	N/A

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		<p style="text-align: center;"><i>and vehicles operated on unpaved areas.</i></p> <ul style="list-style-type: none"> • <i>All vehicles hauling dirt, sand, soil, or other loose materials should be covered or should maintain at least two feet of freeboard.</i> • <i>Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.</i> 	
4.4-2 Increased carbon monoxide concentrations at project-area intersections.	LS	4.4-2 <i>None Required</i>	N/A
4.4-3 New air pollutant emissions within the air basin resulting from vehicle trips to and from the project site and area source emissions.	LS	4.4-3 <i>None Required.</i>	N/A
4.4-4 Impacts from delivery truck idling during project operations.	LS	4.4-4 <i>None Required</i>	N/A
4.4-5 Long-term air quality impacts from the proposed project in combination with existing and	S	4.4-5 <i>Prior to obtaining clearance to grade the site or conduct earthwork activities issuance of building permits, the applicant shall submit a transportation</i>	SU

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<p>future developments in the Davis area.</p>		<p><i>management plan and provide evidence, to the satisfaction of the Community Development Director <u>Department</u>, that indicates compliance with the following measures outlined in the transportation management plan:</i></p> <ul style="list-style-type: none"> • <i>Provide preferential parking for carpool/vanpool vehicles.</i> • <i>Provide secure and conveniently located bicycle parking and storage for workers and patrons.</i> • <i>Provide electric vehicle charging facilities.</i> • <i>Provide preferential parking for hybrid and alternative fuel vehicles.</i> <p><i>In addition, the following measures shall be included within the transportation management plan with specific criteria and standards to be reviewed and approved by the Community Development Director <u>Department</u>:</i></p> <ul style="list-style-type: none"> • <i>Specialty equipment (utility carts, forklifts, etc.) should be electrically, CNG or propane powered.</i> 	

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		<ul style="list-style-type: none"> • 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 include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand. • Use energy-efficient lighting and process systems, such as low NO_x water heaters, furnaces and boiler units. 	
4.5 Noise			
4.5-1 An increase in existing traffic noise levels on surrounding roadways.	LS	4.5-1 None Required	N/A
4.5-2 On-site Noise Sources at Existing Residences.	LS	4.5-2 None Required	N/A
4.5-3 Short-term noise impacts from construction activities.	S	4.5-3 The project applicant shall place a note on the improvement plans and within construction contracts which requires:	LS

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		<ul style="list-style-type: none"> • Construction activities shall be scheduled to occur during normal daytime working hours, i.e. 7:00 AM to 9:00 <u>7:00</u> PM. 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 <u>Department</u>. • 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. <p style="text-align: center;"><i>The note shall be reviewed and approved by the Building Official prior to the issuance of permits.</i></p>	
4.5-4 Cumulative Increase in Traffic Noise Levels.	LS	4.5-4 <i>None Required.</i>	N/A
4.6 Cultural Resources			

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<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
4.6-1 Impacts to archaeological resources on the project site.	S	4.6-1(a) <i>Prior to the issuance of grading <u>building</u> permits and prior to commencement of grading, an archeological monitor shall be hired by the applicant and approved by the City to train the construction grading crew prior to commencement of earth-grading activity in regard to the types of artifacts, rock, bone, or shell that they are likely to find, and when work shall be stopped for further evaluation. One trained crew member shall be on-site during all earth moving activities, with the assigned responsibility of “monitor”. If any earth-moving activities uncover artifacts, exotic rock, or unusual amounts of bone or shell, work shall be halted in the immediate area of the find and shall not be resumed until after the archeological 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.</i>	LS

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		4.6-1(b) <i>Prior to the approval <u>issuance</u> of building permits plans, the plans 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.</i>	
4.6-2 Long-term impacts to cultural resources from the proposed project in combination with existing and future developments in the Davis area.	S	4.6-2 <i>Implement Mitigation Measures 4.6-1(a) and 4.6-1(b).</i>	LS
4.7 Biology			
4.7-1 Impacts to Swainson's hawk	S	4.7-1 <i>If construction occurs during the breeding season</i>	LS

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nesting habitat.		<p>(March-September 15), the project proponent shall conduct CDFG-recommended protocol-level surveys prior to construction per the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (CDFG 2000b). The area to be surveyed shall include a 0.5-mile radius area including and surrounding the project site and a qualified biologist should <u>shall</u> conduct the surveys. If no active nests are found during the protocol-level surveys, no further mitigation shall be required. If active nests are found, mitigation measures consistent with the Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California (CDFG 1994) shall be incorporated in the following manner:</p> <ul style="list-style-type: none"> • No construction activities or other project-related activities that may cause nest abandonment or forced fledging, shall take place within 0.25 miles (buffer zone) of an active nest until the young have fledged. Weekly monitoring reports summarizing nest activities shall be 	

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		<p><i>submitted to the City of Davis and CDFG until the young have fledged and the nest is determined to be inactive.</i></p> <ul style="list-style-type: none"> • <i>Nest trees shall not be removed unless there is no feasible way of avoiding it. If a nest tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained from CDFG with the tree removal period specified in the management Authorization, generally between October 1 and February 1.</i> 	
4.7-2 Loss of suitable Swainson's hawk foraging habitat.	S	<p>4.7-2 <i>The applicant shall be responsible for mitigating the loss of any Swainson's hawk foraging habitat. The extent of any necessary mitigation shall be determined by the City in consultation with CDFG; past recommended mitigation for loss of foraging habitat has been at a ratio of one acre of suitable foraging habitat for every one acre utilized by the proposed project.</i></p> <p><i>The project proponent will compensate for the loss of Swainson's hawk foraging habitat by providing</i></p>	LS

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		<p><i>Habitat Management lands (HM lands) to DFG as defined in the Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California (published by California Department of Fish and Game in 1994). If the proposed project is located within 1 mile of an active nest (to be determined with preconstruction surveys) the loss of habitat will be compensated at a ratio of 1:1 (HM lands:urban development). The project proponent will provide HM lands through an in-lieu fee process prior to groundbreaking. Credits will be purchased through the in-lieu fee program due to the lack of mitigation credits currently available at a bank. As of February 2006, the cost per acre for the in-lieu fee is \$ 8,500 payable to the Joint Power Agency. Should the in-lieu fee be increased prior to clearance to grade the project site, the project proponent shall pay the in-lieu fee in effect at that time. The project proponent will issue a check to the Joint Power Agency if mitigation is required. It is estimated that a total of 19 acres of Swainson’s hawk foraging habitat would be removed as a result of the project. The applicant shall pay the in-lieu fee</i></p>	

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		<p><i>for the 19 acres based on the removal of this Swainson's hawk foraging habitat.</i></p> <p style="text-align: center;"><i>-Or-</i></p> <p><i>Prior to obtaining clearance to grade the site or conducting any earthmoving activity for the proposed project, the project proponent shall place and record one or more Conservation Easements that meet the acreage requirements of CDFG's Swainson's Hawk foraging habitat mitigation guidelines. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The City may, at its discretion, also be a party to the conservation easement(s). The conservation easement(s) shall be reviewed and approved in writing by CDFG prior to the recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk.</i></p>	
4.7-3 Loss of western burrowing owl nesting and foraging habitat.	S	4.7-3(a) <i>The Staff Report on Burrowing Owl Mitigation, published by CDFG (1995), recommends pre-</i>	LS

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		<p><i>construction surveys shall be conducted to locate active burrowing owl burrows. <u>The extent of any necessary mitigation shall be determined by the City in consultation with CDFG, which may include alternative project specific measures, consistent with CDFG's Staff Report on Burrowing Owl Mitigation.</u> Prior to issuance of grading <u>building</u> permits <u>and prior to grading activity</u>, 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 260 <u>500</u>-foot-wide buffer zone surrounding the project area. Repeat surveys should also be conducted not more than 30</i></p>	

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		<p><i>days prior to initial ground disturbance to inspect for re-occupation and the need for additional protection measures. The survey(s) shall be paid by the applicant and approved by the City.</i></p> <p>4.7-3(b) <i>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.</i></p> <p>4.7-3(c) <i>If destruction of the occupied burrow is unavoidable during the non-breeding season, September 1–January 31, passive relocation of the burrowing owls shall be conducted. Passive relocation involves installing a one-way door at the burrow entrance,</i></p>	

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		<p><i>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 and burrow 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 and permanently protected at a location acceptable to the CDFG.</i></p> <p><i>4.7-3(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 <u>building</u> permits <u>and prior to grading activity</u> for the proposed project.</i></p>	
4.7-4 Impacts to Waters of the U.S. and Waters of the State.	LS	4.7-4 <i>None Required.</i>	N/A
4.7-5 Impacts to raptors and migratory birds.	S	4.7-5 <i>If site disturbance is proposed by the project proponent during the non-nesting season (Aug. 16 to Jan. 31), no additional action is required; however,</i>	LS

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<p><i>if site disturbance is proposed by the project proponent during the nesting season (Feb. 1 to Aug. 15), the following shall be implemented:</i></p> <ul style="list-style-type: none"> <i>A preconstruction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests of migratory birds or raptors are detected on-site, or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the developer shall consult with USFWS and CDFG to determine the size of a suitable buffer in which no new site disturbance is permitted until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.</i> 	
4.7-6 Impacts to onsite trees.	S	4.7-6(a) <i>Prior to obtaining clearance to grade the site or conducting any earthwork activity, 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</i>	LS

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**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<p><i>measures:</i></p> <ul style="list-style-type: none"> • <i>Trees shall be fenced prior to construction as specified;</i> • <i>Soil compaction under trees is to be avoided;</i> • <i>The fence shall prevent equipment traffic and storage under the trees and should extend beyond the drip-line;</i> • <i>Excavation within this zone shall be accomplished by hand, and roots 1/2" and larger shall be preserved;</i> • <i>Proper fertilization and irrigation prior to and during the construction period shall be provided as specified;</i> • <i>New landscaping under existing trees shall be carefully planned to avoid any grade changes and any excess moisture in trunk area. Existing plants which have compatible irrigation requirements and which complement the trees' color, texture and form are to be saved;</i> • <i>Trenching with drip-line shall be performed only with prior approval of the Park and Community</i> 	

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<p style="text-align: center;"><i>Services Department. Boring is preferred when feasible;</i></p> <ul style="list-style-type: none"> • <i>All paving plans and specifications shall clearly prohibit the use of soil sterilants adjacent to preserved trees;</i> • <i>Grade changes greater than one foot within the drip-line shall be avoided, and nothing other than a saw shall be used for root cutting;</i> <p>4.7-6(b) <i>Prior to issuance of a grading <u>building</u> permits <u>and prior to grading activities</u>, a sheet shall be included with the project plans, which indicate all of the trees identified. The tree report with corresponding descriptions of each tree by species, health, etc. should also be included. In addition, notes shall be included on the plans, which clearly state protection procedures for trees that are to be preserved. Any tree care practices, such as cutting of roots, pruning the top, etc., shall be adequately described and shall have the approval of a representative of the Parks and Community Services Department prior to execution. A penalty clause in event of damage to existing trees shall be replacement tree(s) of equal</i></p>	

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<i>size in D.B.H. unless specified otherwise by the Parks and Community Services Department.</i>	
4.7-7 Cumulative loss of biological resources in the City of Davis and the effects of ongoing urbanization in the region.	LS	4.7-7 <i>None Required.</i>	N/A
4.8 Socio-Economic			
4.8-1 The proposed project would include apparel, general merchandise, food stores, eating and drinking places, and “other retail stores” that would compete with existing businesses in the primary and secondary market area.	LS	4.8-1 <i>None Required.</i>	N/A
4.8-2 The proposed project would include retail services that would compete with existing businesses, including general merchandise retailers, in the City of Davis, but would not likely contribute to physical	LS	4.8-2 <i>None Required.</i>	N/A

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
deterioration or urban decay.			
4.8-3 The proposed project is a major retail development that may cumulatively impact the primary market area with additional retail sales which would compete with proposed retail project, in the City of Davis within the primary and secondary market area.	LS	4.8-3 <i>None Required.</i>	N/A
4.9 Hazards			
4.9-1 Presence of contaminated groundwater underlying the project site.	S	4.9-1(a) <i>Any improvements associated with the Second Street Crossing project that would encroach onto well locations would require close coordination with USEPA and DTSC; and, prior to obtaining clearance to grade the site or conduct earthwork activities, project workplans shall be developed and pre-approved by USEPA and DTSC for all construction activities occurring adjacent to these wells.</i>	LS

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<p><i>Prior to obtaining clearance to grade the site or conduct any earthwork activities, the applicant shall consult with the United States Environmental Protection Agency and Department of Toxic Substances Control regarding the relocation/reconstruction of on-site wells and piezometers. The relocation/reconstruction sites for piezometers PC-1B and PC-1C, as well as monitoring well cluster OW-8a, 8b, and 8c shall be determined by the United States Environmental Protection Agency and Department of Toxic Substances Control. <u>Improvements associated with relocation/reconstruction of on-site wells shall be complete and proven operational to the satisfaction of the EPA prior to removal or abandonment of any existing wells and equipment. All costs associated by such relocation and replacement shall be borne solely by the project proponent.</u> During work that would involve any modification to, or potential impact upon these wells, such activity shall be directly supervised by the EPA, <u>at a minimum, and/or DTSC at their discretion.</u> In addition, the Frontier Fertilizer Site Oversight Group will be</i></p>	

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<p style="text-align: center;"><u>notified of remediation efforts set forth by the EPA/DTSC.</u></p> <p>4.9-1(b) <i>In accordance with the provisions set forth in the “Stipulated Agreement for Mace Ranch Park Development” (MRP), DTSC shall have unencumbered access to the site for the purpose of continuing site investigation and cleanup activity as may be deemed necessary.</i></p> <p><i>Furthermore, the agreement states that fill shall not be placed closer than 50 feet adjacent to the Frontier Fertilizer property border. As a result, the project applicant shall prepare and submit to <u>the EPA and DTSC</u> as-built drawings, showing placement of fill material or excavation of existing soil.</i></p>	
4.9-2 Other on-site debris.	S	4.9-2 <i>If during construction activity, areas of debris or odors are observed that may be associated with a hazardous substance or petroleum product, the project applicant shall contact Kleinfelder (or other similarly qualified firm), the property owner, the City, and the Yolo County Environmental Health</i>	LS

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<i>Department for further assessment. If these parties determine that the items are not hazardous, they shall be removed and discarded in accordance with City standards at the expense of the applicant. If these parties determine that subsurface hazardous substances are located onsite, these substances shall be removed and the soil remediated to the satisfaction of the Yolo County Environmental Health Department and DTSC at the expense of the applicant.</i>	
4.9-3 Presence of pesticide and/or herbicide residues in project site soils.	S	4.9-3 <i>Prior to obtaining clearance to grade the site or conduct earthwork activities, 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, the applicant shall submit a remediation plan to the Yolo County Environmental Health Department and DTSC for approval, and shall remediate the pesticide or herbicide to the satisfaction of Yolo County Environmental Health Department and the DTSC.</i>	LS

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
4.9-4 Long-term hazards-related impacts from the Proposed Project in combination with existing and future developments in the Davis area.	LS	4.9-4 <i>None Required.</i>	N/A
4.10 Hydrology			
4.10-1 Increased stormwater runoff from the project site contributing to downstream flooding.	LS	4.10-1 <i>None Required.</i>	N/A
4.10-2 Construction-related impacts to surface water quality.	S	4.10-2 <i>Prior to commencement of site grading, the applicant shall obtain the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP would incorporate Best</i>	LS

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
		<i>Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation: the SWPPP shall be provided for the review and approval of the City Engineer.</i>	
4.10-3 Long-term water quality degradation associated with urban runoff from the project site.	S	<p>4.10-3 <i>Prior to approval of improvement plans <u>issuance of building permits</u>, the applicant shall submit a water quality plan to the City Engineer aimed at reducing long-term urban runoff impacts associated with the project.</i></p> <p><i>The plan shall include Best Management Practices (BMPs) consistent with the recommendations in the City's Stormwater Management Plan. The BMPs shown on the improvement plans shall be reviewed and approved by the City Engineer.</i></p>	LS
4.10-4 Groundwater quality and recharge impacts.	LS	4.10-4(a) <i>None Required.</i>	N/A
4.10-5 Long-term increases in peak stormwater runoff flows from the proposed project in combination with existing and future developments in the	LS	4.10-5(a) <i>None Required.</i>	N/A

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
Davis area.			
4.10-6 Cumulative impacts related to degradation of water quality.	S	4.10-6 <i>Implement Mitigation Measures 4.10-2 and 4.10-3.</i>	LS
4.11 Public Services and Facilities			
4.11-1 Fire department response.	LS	4.11-1 <i>None Required.</i>	N/A
4.11-2 Law enforcement response.	LS	4.11-2 <i>None Required.</i>	N/A
4.11-3 Increased demand for wastewater disposal.	LS	4.11-3 <i>None Required.</i>	N/A
4.11-4 Increased demand for water supply.	LS	4.11-4 <i>None Required.</i>	N/A
4.11-5 Increased demand for solid waste disposal/recycling services.	LS	4.11-5 <i>None Required.</i>	N/A
4.11-6 Impacts to gas and electric facilities.	LS	4.11-6 <i>None Required.</i>	N/A
4.11-7 Long-term impacts to public	LS	4.11-7 <i>None Required.</i>	N/A

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**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<i>Impact</i>	<i>Level of Significance prior to Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance after Mitigation</i>
services and facilities from the proposed project in combination with existing and future developments in the Davis area.			
Mitigation Measures Identified in the Initial Study			
I. Geology and Soils			
VI (b).Impacts related to substantial soil erosion or loss of topsoil.	PS	VI-1 <i>Prior to the issuance of grading <u>building</u> permits and prior to grading activities, the developer shall prepare a storm water pollution prevention plan (SWPPP), consistent with the California DWR NPDES requirements. The SWPPP shall be submitted to the City Engineer.</i>	LS
VI (d).Impacts related to soil expansion.	PS	VI-2 <i>Prior to the approval of final map, a final design-level geotechnical report will be prepared and submitted to the City for review and approval. 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.</i>	LS

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4.1 AESTHETICS

Page 4.1-7 of the DEIR, Mitigation Measure 4.1-3, is hereby revised to read (*Comment 9-13*):

4.1-3 Prior to the issuance of building permits, the developer shall submit a lighting plan for the review and approval of the Building Official of the City of Davis. The lighting plan shall include shielding on all light fixtures and shall address limiting light trespass and glare through the use of shielding and directional lighting methods, including but not limited to, fixture location and height. The Plan shall comply with Chapter 6 8, of the Davis Municipal Code-~~Article VIII~~ Section 8.17.0: Outdoor Lighting Control.

4.2 LAND USE

Page 4.2-15 of the DEIR, last paragraph, is revised to read (*Comment 9-14*):

“For example, for the Target site, the current General Plan designation, but not the zoning, would allow up to four 30,000 square foot retail tenants in one building for a total of 120,000 square feet.”

4.4 AIR QUALITY

Page 4.4-2 of the DEIR, Table 4.4-1, is hereby revised to read (*Comment 68-2*):

Table 4.4-1 Federal and State Ambient Air Quality Standards			
Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	0.12 ppm	0.09 ppm
	8-Hour	0.08 ppm	0.07 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.05 ppm	--
	1-Hour	--	0.25 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	--	0.5 ppm
PM₁₀	Annual	50 ug/m ³	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM_{2.5}	Annual	15 ug/m ³	12 ug/m ³
	24-Hour	65 ug/m ³	--
Lead	30-Day Avg.	--	1.5 ug/m ³
	Month Avg.	1.5 ug/m ³	--
Sulfates	24-Hour	25 ug/m ³	--
Hydrogen Sulfide	1-Hour	0.03 ppm	--
Vinyl Chloride	24-Hour	0.01 ppm	--
ppm = parts per million ug/m ³ = Micrograms per Cubic Meter Source: California Air Resources Board, Ambient Air Quality Standards (7/9/03); http://www.arb.ca.gov/aqs/aaqs2.pdf			

Page 4.4-2 of the DEIR, the last paragraph continuing on to the top of page 4.4-3, is hereby revised to read (*Comment 68-2*):

The U.S. Environmental Protection Agency established new national air quality standards for ground-level ozone and for fine particulate matter in 1997. The existing 1-hour ozone standard of 0.12 PPM microns or less was is to be phased out and replaced by an 8-hour standard of 0.08 PPM. Implementation of the 8-hour standard was delayed by litigation, but was determined to be valid and enforceable by the U.S. Supreme Court in a decision issued in February of 2001.

Page 4.4-5 of the DEIR, fourth paragraph, is hereby revised to read (*Comment 68-3*):

The YSAQMD is classified as a ~~"severe" non-attainment area for the federal one hour ozone standard~~ and a "serious" "transitional" non-attainment area for the State ozone standard.

Page 4.4-7 of the DEIR, third paragraph, is hereby revised to read (*Comment 68-3*):

California has adopted ambient standards that are in some cases more stringent than the federal standards for the criteria air pollutants and shown in Table 4.4-1. Under the California Clean Air Act (CCAA), patterned after the federal CAA, areas have been designated as attainment or non-attainment with respect to State standards. As previously mentioned, the project region is considered to be in attainment for the State CO standard, transitional non-attainment for the State ozone standard, and non-attainment for the State PM₁₀ standard.

Page 4.4-12 of the DEIR, first paragraph, is hereby revised to read (*Comment 68-5*):

Additionally, construction-related sources are mobile and transient in nature, which tends to dilute pollutants spatially compared to a stationary source. Where air districts have developed guidelines for diesel risk assessments for CEQA documents, the identified situations requiring analysis are locations with extended truck idling (truck stops, warehouse/distribution centers, transit centers), ship hoteling at ports and train idling (See Impact discussion 4.4-4 for more detailed discussion). The project site is south and east of the closest sensitive receptors (homes north of the project site). Winds are predominantly from the west (particularly during daytime when construction activity would be occurring, which means that these homes would not normally be downwind of construction activity. The landscaped grass area north of the project site provides a minimum 100 foot setback between the project site and the closest homes. Therefore, health risks from temporary construction emissions of diesel particulate would be considered less-than-significant. In addition, the particulate matter generated by the project's construction activities would not exceed the District's thresholds.

Page 4.4-12 of the DEIR, first paragraph, is hereby revised to read (*Comment 68-4*):

Additionally, construction-related sources are mobile and transient in nature. Where air districts have developed guidelines for diesel risk assessments for CEQA documents, the identified situations requiring analysis are locations with extended truck idling (truck stops, warehouse/distribution centers, transit centers), ship hoteling at ports and train idling (See Impact discussion 4.4-4 for more detailed discussion). Therefore, health risks from temporary construction emissions of diesel particulate would be considered less-than-significant. In addition, the particulate matter generated by the project's construction activities would

not exceed the District's thresholds. Furthermore, the following air district and state rules would apply to construction of the proposed project:

- Visible emissions are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under YSAQMD Rule 23.
- Cutback and emulsified asphalt application shall be conducted in accordance with YSAQMD Rule 2.28.
- Any open burning which requires approval and issuance of a burn permit from the Air District and shall be performed in accordance with YSAQMD Rule 2.8.
- Architectural coatings and solvents used at the project shall be compliant with YSAQMD Rule 2.14.
- Portable equipment, other than vehicles, must be permitted with the District or registered with the Air Resources Board's Portable Equipment Registration Program. ARB's idling restriction rules require heavy-duty trucks limit idling to a maximum of 5 minutes, with some exceptions.

Therefore, adverse impacts associated with the generation of pollutants during project construction would be considered *less-than-significant*.

Page 4.4-16 of the DEIR, introduction to mitigation measure 4.4-5, is hereby revised to read (*Comment 9-18*):

Implementation of the following mitigation measures would reduce impacts but not to a less than significant level.

Page 4.4-17 of the DEIR, Endnotes, is hereby revised to read (*Comment 9-19*):

~~“Bay Area Air Quality Management District, BAAQMD-Yolo-Solano Air Quality Management District, BAAQMD-CEQA Guidelines, 1996 (Revised 1999) Air Quality Handbook, 2002.~~

4.5 NOISE

Page 4.5-15 of the DEIR, Mitigation Measure 4.5-3, is hereby revised to read (*Comment 41-32*):

- *Construction activities shall be scheduled to occur during normal daytime hours, i.e. 7:00 AM to 9:00 7:00 PM. These criteria shall be included in the improvement plans prior to initiation of construction. Exceptions to allow expanded construction activity hours shall be reviewed and on a case-by-case basis as determined by the Community Development Director.*

4.7 BIOLOGICAL RESOURCES

Page 4.7-18 of the DEIR, Field Surveys, is hereby revised to read (*Comment 11-5*):

On July 5, 2005, from 9:30 am to 4:30 pm Shirley Innecken, who has over 6 years of experience conducting wetland delineations, wildlife, habitat and rare plant surveys ranging from 5 to 2,400 acres and holds a Bachelor of Science in Ethnobotanical Ecology from California State University Chico, conducted biological surveys using east-west transects spaced 15 meters apart to cover the prescribed BSA. Protocol-level surveys were conducted for the following species:

Page 4.7-23 of the DEIR, Mitigation Measure 4.7-3(a), is hereby revised to read (*Comment 41-39*):

4.7-3(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. The extent of any necessary mitigation shall be determined by the City in consultation with CDFG, which may include alternative project specific measures, consistent with CDFG's Staff Report on Burrowing Owl Mitigation. 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 ~~260~~ 500-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. The survey(s) shall be paid by the applicant and approved by the City.*

4.8 SOCIO-ECONOMIC

Page 4.8-11 of the DEIR, Table 4.8-8, is hereby revised to read (*Comment 10-76*):

PROJECTED RETAIL SALES LEAKAGE YOLO COUNTY 2008 ESTIMATE								
Type of Retailer	Yolo County Annual Per Capita				2008 Estimated Total (2)			
	2003		2008 Estimate (1)		Yolo County Spending	Yolo County Sales	Attraction / (Leakage)	Percent Attraction/ (Leakage)
	Spending	Sales	Spending	Sales				
Apparel Stores	\$373	\$155	\$430	\$178	\$85,804,331	\$35,580,129	(\$50,224,202)	(58.5%)
General Merchandise Stores (3)	\$1,310	\$893	\$1,514	\$1,031	\$301,700,258	\$205,594,157	(\$96,106,101)	(31.9%)
Food Stores (4)	\$1,717	\$2,360	\$1,983	\$2,726	\$395,300,403	\$543,369,887	\$148,069,484	27.3%
Eating and Drinking Places	\$999	\$906	\$1,154	\$1,047	\$230,119,885	\$208,606,994	(\$21,512,892)	(9.3%)
Home Furnishings and Appliances (5)	\$377	\$180	\$435	\$208	\$86,746,965	\$116,573,128	\$29,826,162	25.6%
Building Materials (6)	\$743	\$1,368	\$858	\$1,580	\$171,095,139	\$314,898,006	\$143,802,867	45.7%
Auto Dealers and Auto Supplies	\$1,670	\$1,930	\$1,929	\$2,229	\$384,517,284	\$444,291,965	\$59,774,680	13.5%
Service Stations	\$722	\$943	\$834	\$1,089	\$166,274,259	\$217,130,971	\$50,856,713	23.4%
Other Retail Stores (7)	<u>\$1,343</u>	<u>\$1,078</u>	<u>\$1,551</u>	<u>\$1,245</u>	<u>\$309,157,150</u>	<u>\$248,131,340</u>	<u>(\$61,025,810)</u>	<u>(19.7%)</u>
Totals	\$9,254	\$9,812	\$10,689	\$11,333	\$2,130,715,676	\$2,334,176,577	\$203,460,901	8.7%

Notes:
(1) Adjusted for inflation based on the consumer price index for all urban consumers in the State of California, as defined by the California Division of Labor Statistics and Research. Inflation for the year 2003-2004 period is 2.63 percent; assumed annual inflation rate of 3.0 percent for projected years.
(2) Estimated 2008 Yolo County population of 199,330 based on California Department of Finance and Sacramento Area Council of Governments data. Refer to Exhibit 5.
(3) Drug stores are included in this category and are assumed to comprise 12 percent of general merchandise category sales based on Sedway Group's analysis of control area averages. Since the Board of Equalization only reports taxable sales and not all drug store sales are taxable, CBRE Consulting adjusted the drug stores component of this category in order to capture non-taxable sales. Analysis of average drug store sales in California indicates that 70 percent of total sales are taxable. Therefore, taxable drug store sales were divided by 0.7 to derive total drug store sales which appear in this exhibit.
(4) Taxable transactions for grocery stores have been adjusted by 0.30, to account for non-taxable sales. Therefore, 30 percent of all food store sales are taxable.
(5) A 260,000-square-foot IKEA store is under construction in West Sacramento with an anticipated opening in Spring 2006. CBRE Consulting adjusted Yolo County's sales in the Home Furnishings and Appliances category for IKEA's sales, assuming \$289 per square foot in sales for a total of \$75.1 million in 2008. This per square foot sales estimate was derived using information gleaned from Retail Maxim, a report on retail sales for national retailers in various categories, which indicated that furniture retailers averaged \$178 in sales per square foot in 2003. Given IKEA's reputation as a highly successful furniture retailer, CBRE Consulting assumed it had higher sales per square foot than the average furniture retailer, and used \$250 per square foot in 2003, which represents a 40 percent premium over the industry average, then adjusted that figure for inflation to 2008 dollars.
(6) Building materials group includes hardware stores, plumbing and electrical supplies, paint and wallpaper products, glass stores, farm implement dealers, and lumber.
(7) Other retail stores includes packaged liquor stores, gifts, art goods and novelties, sporting goods, florists, photographic equipment and supplies, musical instruments, stationery and books, jewelry, office and school supplies, second-hand merchandise, farm and garden supply stores, mobile homes/trailers and campers, boat and motorcycle dealers, and miscellaneous other retail stores. It is especially relevant to note for this analysis that this category includes garden supply stores.

Sources: State Board of Equalization "Taxable Sales in California- 2003"; Claritas, Inc.; California Division of Labor Statistics and Research; and CBRE Consulting.
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The above table replaces the former Table 4.8-8 as seen below:

PROJECTED RETAIL SALES LEAKAGE CITY OF DAVIS 2008 ESTIMATE								
Type of Retailer	Davis Annual Per Capita				2008 Estimated Total (2)			
	2003		2008 Estimate (1)		Davis	Davis	Attraction /	Percent
	Spending	Sales	Spending	Sales	Spending	Sales	(Leakage)	Attraction/ (Leakage)
Apparel Stores	\$408	\$128	\$471	\$148	\$31,473,188	\$9,858,537	(\$21,614,651)	(68.7%)
General Merchandise Stores (3)	\$1,424	\$415	\$1,645	\$479	\$109,914,904	\$32,015,510	(\$77,899,393)	(70.9%)
Food Stores (4)	\$1,776	\$1,993	\$2,052	\$2,302	\$137,064,102	\$153,817,027	\$16,752,925	10.9%
Eating and Drinking Places	\$1,081	\$1,040	\$1,248	\$1,201	\$83,405,041	\$80,251,101	(\$3,153,940)	(3.8%)
Home Furnishings and Appliances	\$408	\$73	\$471	\$84	\$31,498,243	\$5,617,045	(\$25,881,198)	(82.2%)
Building Materials (5)	\$812	\$287	\$938	\$331	\$62,642,543	\$22,144,237	(\$40,498,306)	(64.6%)
Auto Dealers and Auto Supplies	\$1,805	\$2,942	\$2,084	\$3,398	\$139,262,926	\$227,025,567	\$87,762,642	38.7%
Service Stations	\$753	\$589	\$870	\$680	\$58,146,656	\$45,419,860	(\$12,726,796)	(21.9%)
Other Retail Stores (6)	\$1,460	\$966	\$1,686	\$1,116	\$112,631,585	\$74,584,497	(\$38,047,082)	(33.8%)
Totals	\$9,927	\$8,432	\$11,466	\$9,740	\$766,039,188	\$650,733,381	(\$115,305,807)	(15.1%)
<p>Notes:</p> <p>(1) Adjusted for inflation based on the consumer price index for all urban consumers in the State of California, as defined by the California Division of Labor Statistics and Research. Inflation for the year 2003-2004 period is 2.63 percent; assumed annual inflation rate of 3.0 percent for projected years.</p> <p>(2) Estimated 2008 City of Davis population of 66,810 based on California Department of Finance and Sacramento Area Council of Governments data. Refer to Exhibit 5.</p> <p>(3) Drug stores are included in this category and are assumed to comprise 12 percent of general merchandise category sales based on Sedway Group's analysis of control area averages. Since the Board of Equalization only reports taxable sales and not all drug store sales are taxable, CBRE Consulting adjusted the drug stores component of this category in order to capture non-taxable sales. Analysis of average drug store sales in California indicates that 70 percent of total sales are taxable. Therefore, taxable drug store sales were divided by 0.7 to derive total drug store sales which appear in this exhibit.</p> <p>(4) Taxable transactions for grocery stores have been adjusted by 0.30, to account for non-taxable sales. Therefore, 30 percent of all food store sales are taxable.</p> <p>(5) Building materials group includes hardware stores, plumbing and electrical supplies, paint and wallpaper products, glass stores, farm implement dealers, and lumber.</p> <p>(6) "Other retail stores" includes packaged liquor stores, gifts, art goods and novelties, sporting goods, florists, photographic equipment and supplies, musical instruments, stationery and books, jewelry, office and school supplies, second-hand merchandise, farm and garden supply stores, mobile homes/trailers and campers, boat and motorcycle dealers, and miscellaneous other retail stores. It is especially relevant to note for this analysis that this category includes garden supply stores.</p> <p>Sources: State Board of Equalization "Taxable Sales in California- 2003"; Claritas, Inc.; California Division of Labor Statistics and Research; and CBRE Consulting. P:\2005\1005090 Target Davis\Working Docs\Leakage Analysis\Davis PMA Leakage 2003.xls\Davis 2008\JB</p>								

08-Feb-06

Page 4.8-37 of the DEIR, cumulative impact discussion, last paragraph, is hereby revised to read (*Comment 1-5*):

Summary

In the cumulative scenario, the development of Second Street Crossing combined with the other three proposed projects could result in diverted sales from existing primary market area retailers totaling \$10.8 million and it could take up to five years to mitigate this impact through population growth. The categories impacted include apparel, food stores, and “eating and drinking places.” Given the overall strength of the Davis retail market area, the market area’s low vacancy, strong retailer interest in locating in Davis, and good re-tenanting potential, proposed project would not result in adverse impacts to retailers because the new sales generated by the proposed project would still be capturing projected future sales tax leakage. As a result, the project would have a *less-than-significant* impact to the primary and secondary market areas.

4.9 HAZARDS

Page 4.9-9 of the DEIR, third paragraph, is hereby revised to read (*Comment 18-2*):

A summary of the current conditions associated with the contaminant investigation and cleanup status is provided in a USEPA Bulletin dated June 2005, and is attached as Appendix D to the Phase I report. The USEPA Bulletin of June 2005 depicts the primary contaminant plume extending northward from the Frontier Fertilizer site from identified historical source areas located primarily southwest of the southwest corner of the planned Target site. ~~Although the~~ The June 2005 USEPA Bulletin suggests that the groundwater contaminant plume extends northward at the western edge of the proposed Target retail development property, low levels of carbon tetrachloride were found in the X-10B well. However, according to recent reports reviewed (USEPA Fourth Quarter 2004 Groundwater Monitoring Report, CH2MHill), the last detection of constituents of concern in wells (S-1, S-2, or A-1 aquifers) that exist on the proposed Target site (OW-8 a,b,c) nearest to the plume source, were reported in samples collected in December 1999.

Page 4.9-15 of the DEIR, second to last paragraph, is hereby revised to read (*Comment 18-3*):

Any improvements associated with the Second Street Crossing project that would encroach onto the well locations would require close coordination with USEPA and DTSC, and require workplans to be developed and pre-

approved for any activity that could affect these wells. During work that would involve any modification to, or potential impact upon these wells, such activity would likely be directly supervised by the EPA, at a minimum, and and/or DTSC at their discretion.

Page 4.9-17 of the DEIR, third paragraph, is hereby revised to read (*Comment 9-20*):

“The project as currently proposed involves relocating an existing ~~groundwater extraction well~~ monitoring well cluster and two piezometers, as well as other possible minor adjustments to additional EPA wells.”

Page 4.9-19 of the DEIR, mitigation measure 4.9-1(a), is hereby revised to read (*Comment 9-12*):

4.9-1(a) *Any improvements associated with the Second Street Crossing project that would encroach onto well locations would require close coordination with USEPA and DTSC; and, prior to obtaining clearance to grade the site or conduct earthwork activities, project workplans shall be developed and pre-approved by USEPA and DTSC for all construction activities occurring adjacent to these wells.*

Prior to obtaining clearance to grade the site or conduct any earthwork activities, the applicant shall consult with the United States Environmental Protection Agency and Department of Toxic Substances Control regarding the relocation/reconstruction of on-site wells and piezometers. The relocation/reconstruction sites for peizometers PC-1B and PC-1C, as well as monitoring well cluster OW-8a, 8b, and 8c shall be determined by the United States Environmental Protection Agency and Department of Toxic Substances Control. Improvements associated with relocation/reconstruction of on-site wells shall be complete and proven operational to the satisfaction of the EPA prior to removal or abandonment of any existing wells and equipment. All costs associated by such relocation and replacement shall be borne solely by the project proponent. During work that would involve any modification to, or potential impact upon these wells, such activity shall be directly supervised by the EPA and/or DTSC. In addition, the Frontier Fertilizer Site Oversight Group will be notified of remediation efforts set forth by the EPA/DTSC.

Page 4.9-19 of the DEIR, second paragraph of mitigation measure 4.9-1(a), is hereby revised to read (*Comment 18-3*):

Prior to obtaining clearance to grade the site or conduct any earthwork activities, the applicant shall consult with the United States Environmental Protection Agency and Department of Toxic Substances Control regarding the relocation/reconstruction of on-site wells and piezometers. The relocation/reconstruction sites for peizometers PC-1B and PC-1C, as well as monitoring well cluster OW-8a, 8b, and 8c shall be determined by the United States Environmental Protection Agency and Department of Toxic Substances Control. During work that would involve any modification to, or potential impact upon these wells, such activity shall be directly supervised by the EPA, at a minimum, and ~~DTSC~~ DTSC at their discretion.

Page 4.9-19 of the DEIR, second paragraph of Mitigation Measure 4.9-1(b) is hereby revised to read (*Comment 18-4*):

Furthermore, the agreement states that fill shall not be placed closer than 50 feet adjacent to the Frontier Fertilizer property border. As a result, the project applicant shall prepare and submit to the EPA and DTSC as-built drawings, showing placement of fill material or excavation of existing soil.