

# 3

## REVISIONS TO THE DRAFT EIR TEXT

### 3.1 INTRODUCTION

The Revisions to the Draft EIR Text chapter provides all corrections, additions, and revisions made to the Draft EIR. The changes represent minor clarifications and amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR. Please refer to the discussion of this topic provided in Section 1.6 of Chapter 1, Introduction and List of Commenters.

It should be noted that in addition to the text revisions presented in Chapter 2 of this Final EIR in response to public comments, this chapter provides other text revisions to the Draft EIR initiated by the City of Davis based upon further review of the document since its release to the public.

### 3.2 DESCRIPTION OF CHANGES

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 Draft EIR.

#### 1 INTRODUCTION

The Draft EIR, page 1-3, of Chapter 1, Introduction, is hereby revised as follows:

##### Proposed Buildings and Site Layout

The Preferred Site Plan would include a total of three multi-family residential buildings clustered near the center of the project site. The easternmost building would include four stories, with heights stepping down to three stories for the remaining two buildings to the west. While the building heights have not been finalized, the four-story building is anticipated to be less than 48 feet and the three-story buildings would be less than 38 feet. The Preferred Site Plan would include three courtyard areas, ~~a tot lot play area~~, a pool, other outdoor amenities, and bike/pedestrian access providing a central amenity corridor between the buildings. A total of 225 rental units would be provided, including 16 micro studios (430 sf), 90 one-bedroom units (735 sf), 102 two-bedroom units (1,080 sf), and 17 three-bedroom units (1,250 sf). Overall, the Preferred Site Plan would include a total of 361 bedrooms. The southernmost building would include three-story walk up apartments with tuck-under garages, bike storage, and a kitchen/lounge. The first floor of the eastern building would include a fitness center, a leasing office, and a clubhouse area adjacent to the pool.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 1-4, of Chapter 1, Introduction, is hereby revised as follows:

<b>Table 1-1 Proposed Unit Mix</b>		
<b>Unit Type</b>	<b>Number of Units</b>	
	<b>Preferred Site Plan Alternative</b>	<b>Alternative B</b>
Studio	1516	12
One-Bedroom	90	76
Two-Bedroom	102	88
Three-Bedroom	17	12
Single-Family	0	5
<b>Total Units</b>	<b>225</b>	<b>193</b>

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 1-8, Chapter 1, Introduction, is hereby revised as follows:

Development of the proposed project would require the removal of a substantial portion of the existing on-site trees, including trees protected by the City’s Municipal Code (see Figure 1-1); however, Mitigation Measure IV-5 would ensure impacts related to a potential conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, would be *less than significant*. Specifically, Mitigation Measure IV-5 requires the implementation of tree preservation measures prior to and during construction for all trees to be preserved on the project site. Figure Furthermore, Mitigation Measure IV-6 from the Initial Study would ensure that the mitigation/conservation requirements from the recently adopted Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) would be adhered to prior to and during construction of the proposed project, as applicable. Given compliance with Mitigation Measure IV-6, impacts related to a potential conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, would be *less than significant*. Mitigation Measures IV-5 and IV-6 are included in Section 2, Executive Summary, of this EIR.

As indicated in the revised text above, the figure presented on the next page is hereby added to page 1-9, Chapter 1, Introduction, of the Draft EIR. It should be noted that this figure reflects adjustments to the Tree Removal Plan figure since the August 29, 2018 public comment meeting to accept comments on the Draft EIR.

**Figure 1-1  
 Tree Removal Plan**



## 2 EXECUTIVE SUMMARY

The Draft EIR, page 2-4 of Chapter 2, Executive Summary, is hereby revised as follows:

Based on the analysis included in Chapter 6 of this EIR, the Commercial Mixed Use Alternative was determined to result in fewer impacts related to air quality and GHG emissions ~~and noise~~, similar impacts related to noise, cultural resources and hydrology and water quality, and greater impacts related to transportation and circulation compared to the proposed project.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 2-5 of Chapter 2, Executive Summary, is hereby revised as follows:

Based on the analysis included in Chapter 6 of this EIR, the Light Industrial/Business Park Alternative was determined to result in fewer impacts related to air quality and GHG emissions ~~and noise~~, and similar impacts related to noise, cultural resources, hydrology and water quality, and transportation and circulation compared to the proposed project.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, pages 2-5 and 2-6 of Chapter 2, Executive Summary, is hereby revised as follows:

Based on the analysis included in Chapter 6 of this EIR, the Off-Site (Nugget Fields) Alternative was determined to result in fewer impacts related to air quality and GHG emissions, and cultural resources, ~~and noise~~. The significant and unavoidable impact identified for the proposed project related to historical resources would not occur under the Off-Site (Nugget Fields) Alternative. Similar impacts would occur related to noise, hydrology and water quality and transportation and circulation compared to the proposed project. Because development of the Off-Site (Nugget Fields) Alternative would result in removal of the existing on-site recreational soccer fields, greater impacts related to recreation would occur under the Alternative compared to the proposed project.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 2-5 of Chapter 2, Executive Summary, is hereby revised as follows:

Alternative B has been evaluated at an equal level throughout this EIR. Overall, impacts associated with Alternative B would be similar to what is anticipated to occur under the Preferred Site Plan, ~~with the exception of impacts related to interior noise levels. Alternative B would result in an impact related to interior noise levels, specifically related to the upper floor locations of single family residences proposed along La Vida Way under the Alternative, where such an impact would not occur under the Preferred Site Plan.~~



The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, pages 2-6 and 2-7 of Chapter 2, Executive Summary, is hereby revised as follows:

The No Project Alternative would not be considered to meet any of the project objectives. The Mixed Use Alternative and the Light Industrial/Business Park Alternative could be capable of meeting proposed project Objectives 4, 6 and 7. The Off-Site (Nugget Fields) Alternative and Alternative B would be capable of meeting all of the project objectives. As discussed in Chapter 6 of this EIR and summarized above, all of the significant impacts identified for the proposed project would not occur or would be fewer under the No Project Alternative. Alternative B would result in similar impacts as the proposed project related to all resource areas ~~except for noise, which would be greater~~. Both the Commercial Mixed Use Alternative and Light Industrial/Business Park Alternative would result in fewer impacts related to Air Quality ~~and Noise~~, and similar impacts related to Noise, Cultural Resources and Hydrology and Water Quality. However, the Commercial Mixed Use Alternative would result in greater impacts related to Transportation and Circulation, where the Light Industrial/Business Park Alternative would result in similar impacts. The Off-Site (Nugget Fields) Alternative would result in fewer impacts than the proposed project in the greatest number of resource areas compared to all other alternatives, with the exception of the No Project Alternative. In addition, the significant and unavoidable impact related to cultural resources would be avoided under the Off-Site (Nugget Fields) Alternative. As a result, the Off-Site (Nugget Fields) Alternative would be considered the environmentally superior alternative to the proposed project.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR. Notwithstanding the above revisions, the determination in Section 6.5 regarding the environmentally superior alternative is unaffected.

For clarification purposes, Table 2-1 beginning on page 2-8 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised to reflect revisions made to mitigation measures as part of this Final EIR in the relevant chapters, as presented throughout this chapter. Rather than include the entirety of Table 2-1 with revisions shown where appropriate, only the impacts for which mitigation has been revised or added are presented below. The revisions to the Executive Summary table are for clarification purposes only and do not change the conclusions of the Draft EIR. Please refer to the end of this chapter for Table 2-1.

### **3 PROJECT DESCRIPTION**

The Draft EIR, page 3-4 of Chapter 3, Project Description, is hereby revised as follows:

The existing on-site building was originally constructed for Intercoast Life Insurance Company, which occupied the building from 1966 to 1970, and later occupied by Pacific Standard Life Insurance Company from 1972 to 1989. The building was subsequently leased by the University of California, Davis in 1996. The University of California, Davis had a purchase option on the building as part of its 20-year lease and declined to exercise the option to purchase based on seismic deficiencies detected by its consulting engineers and the site's isolated location relative to other properties owned by the University. The

building has been vacant since September 30, 2016, despite two years of marketing effort supported by City and regional economic development authorities. According to the project applicant, independent studies by the University, the owner and its contractor, architects and brokers, and by MarketOne Builders and Cushman & Wakefield each concluded that the current building and site are not viable for office/research and development.

The above revisions are staff-initiated changes for clarification purposes and would not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 3-5 of Chapter 3, Project Description, is hereby revised as follows:

**South Davis Specific Plan ~~Text~~ Map Amendment**

The Preferred Site Plan would require an amendment to the South Davis Specific Plan to designate the site as Residential High Density (see Figure 3-7). Alternative B would re-designate the eastern, multi-family portion of the site as Residential High Density, while the western, single-family portion of the site would be re-designated Residential Medium Density (see Figure 3-8). The required Specific Plan amendments would clarify the site's land use in the South Davis Specific Plan and ensure consistency with the proposed General Plan Amendment.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, pages 3-18 to 3-20, Chapter 3, Project Description, is hereby revised as follows:

**Sustainability**

The proposed project would incorporate sustainability strategies and features consistent with the City of Davis' Climate Action and Adaptation Plan (CAAP). Structures included in the proposed project would be designed to meet California's 2016 Building Energy Efficiency (CalGreen) Standards and would include various other sustainability strategies that meet or exceed the City of Davis' identified existing and additional reach code requirements in CALGreen Tiers 1 and 2, California Energy Code, and Davis Municipal Code. This approach would achieve a similar outcome as LEED Gold equivalency, but is more consistent with the City of Davis' current approach to implementing and enforcing sustainability-related measures in development projects. ~~to ensure the project achieves the equivalency of a Gold designation in Leadership in Energy and Environmental Design (LEED), from the U.S. Green Building Council (USGBC).~~

While the specific details will need to be further determined and refined, sustainability strategies that the project is contemplating that could achieve this LEED Gold equivalency are presented below:

The above revisions are applicant- and staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 3-21, Chapter 3, Project Description, is hereby revised as follows:

1. South Davis Specific Plan ~~Text~~ Map Amendments. The Preferred Site Plan would require an amendment to the South Davis Specific Plan to designate the site Residential High Density. Alternative B would designate the eastern, multi-family portion of the site as Residential High Density, while the western, single-family portion of the site would be designated Residential Medium Density.

Several other sections of the Draft EIR include references to the South Davis Specific Plan Amendment. The above changes hereby apply to all such references throughout the Draft EIR. The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

#### 4.1 AIR QUALITY

Page 4.1-14 of the Air Quality chapter of the Draft EIR is hereby revised as follows:

##### *Air Quality and Land Use Handbook*

CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB Handbook) addresses the importance of considering health risk issues when siting sensitive land uses, including residential development, in the vicinity of intensive air pollutant emission sources including freeways or high-traffic roads, distribution centers, ports, petroleum refineries, chrome plating operations, dry cleaners, and gasoline dispensing facilities.<sup>14</sup> The CARB Handbook draws upon studies evaluating the health effects of traffic traveling on major interstate highways in metropolitan California centers within Los Angeles (I-405 and I-710), the San Francisco Bay, and San Diego areas. The recommendations identified by CARB, including siting residential uses a minimum distance of 500 feet from freeways or other high-traffic roadways, are consistent with those adopted by the State of California for location of new schools. Specifically, the CARB Handbook recommends, "Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day" (CARB 2005).

Importantly, the Introduction section of the CARB Handbook clarifies that the guidelines are strictly advisory, recognizing that: "[I]and use decisions are a local government responsibility. The Air Resources Board Handbook is advisory and these recommendations do not establish regulatory standards of any kind." CARB recognizes that there may be land use objectives as well as meteorological and other site-specific conditions that need to be considered by a governmental jurisdiction relative to the general recommended setbacks, specifically stating, "[t]hese recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues" (CARB 2005).

Based on feedback from air districts within the State and continued improvement of air quality conditions in proximity to high volume roadways since 2005, the CARB has released technical advisories to supplement the CARB Handbook. Vehicle engines and especially heavy-duty diesel engines were redesigned to dramatically decrease emitted air pollutants and even gasoline and diesel fuels were reformatted to reduce pollution from

engines. There has also been a tremendous increase in zero emission, and partial-zero emission vehicles in recent years. These trends are projected to continue into the future. *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*, April 2017,<sup>15</sup> has some important guidance for planners and elected officials related to balancing the impacts of near road air pollution with the benefits of compact infill development along traffic corridors.

The Executive Summary in this document states:

“Since its publication, research has demonstrated the public health, climate, financial, and other benefits of compact, infill development along transportation corridors. Moreover, new research has demonstrated promising strategies to help decrease pollution exposure near their sources. These strategies are the focus of this Technical Advisory.”

“This Technical advisory demonstrates that planners, developers, and local governments can pursue infill development while simultaneously reducing exposure to traffic-related pollution by implementing the strategies identified here and in other statewide guidance and policies that promote sustainable communities. The State Planning Priorities emphasize infill development since this pattern of development can help attain goals to promote equity, strengthen the economy, protect the environment, and promote public health and safety.”

It is important to note that, as discussed in Section 1.3 of Chapter 1, Introduction, of the Draft EIR, the proposed project is a qualifying infill project and is supported by SACOG as being consistent with SACOG’s MTP/SCS Streamlining efforts. The project is also an infill project within the Established Community designation of the MTP/SCS for the City of Davis.

The foregoing revisions to text include the following footnote that is also added to page 4.1-14 of the Air Quality chapter of the Draft EIR as follows:

<sup>15</sup> California Air Resources Board. *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*. April 2017.

The foregoing changes are provided for informational purposes and do not affect the analysis or conclusions of the Draft EIR.

## 4.2 CULTURAL RESOURCES

The Draft EIR, page 4.2-2, Chapter 4.2, Cultural Resources, is hereby revised as follows:

### Historic Context of the Project Site

The 3820 Chiles Road building is now located well within the City boundaries of Davis, but when planning for the structure first began in 1964, the site was still on Yolo County land, some two miles east of Davis. Five years prior, in 1959, a local developer, Bruce Mace, and his sons, Herbert and C. ~~Fred~~ ~~Freland~~, had begun developing the El Macero Country Club outside of Davis city limits. They intended the development to eventually include several hundred homes, a championship-grade golf course, and an extensive, up-



scale commercial district located just off of Interstate 80. By July of 1964, construction had begun on a Standard Oil service station, and the Mace family announced plans to convert 23 acres of bean fields into a 250-room motel, the Voyager Inn, and the new offices for the Intercoast Life Insurance Company.

The above revisions are for clarification purposes and would not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.2-4, Chapter 4.2, Cultural Resources, is hereby revised as follows:

For the building at 3820 Chiles Road, Silvio Barovetto produced his boldest design to date, and perhaps ever, according to the DPR 523 Primary Record and BSO Record, as the design was considered very modern for its time. The building was constructed in 1966 by Campbell Construction Company for Intercoast Life Insurance Company. At the building's opening in 1966, a time capsule, set to be opened in the year 2032 to commemorate the 100<sup>th</sup> anniversary of Intercoast's funding, was buried within the site. The time capsule was filled with items deposited from State and local officials along with leaders of industry in the aerospace field. The time capsule at the project site has been located by the property owner, who has preserved it as recovered and turned it over to the City. The City is working with the Hattie Weber Museum to review the contents, which will be curated if appropriate.

The above revisions are for clarification purposes and would not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.2-4, Chapter 4.2, Cultural Resources, is hereby revised as follows:

#### **Recent Project Site Analysis**

UC Davis began a lease of the property in ~~2014~~ 1996 for 20 years with an option to purchase the building and the site at a favorable price. After considering the purchase of the building, UC Davis decided not to exercise the option to purchase due to poor location and seismic issues discovered by consulting engineers. Remedying the seismic issues would have added considerable, but unknown, costs to an anticipated rehabilitation of the building. The locational issue was not distance from the UC Davis campus, but isolation, as 3820 Chiles Road is not adjacent to other offices and providers of support services. After extensive due diligence, UC Davis concluded that, despite a favorable purchase price and the University's interest in physical expansion, the building was not worth rehabilitating in light of the building's structural and locational limitations. UC Davis vacated the building on September 30, 2016.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.2-15, Chapter 4.2, Cultural Resources, is hereby revised as follows:

DPR 523 Primary Record and BSO Record

In ~~November 2013~~ March 2015, Kara Brunzell completed a DPR 523 Primary Record and BSO Record focused on the existing structure at 3820 Chiles Road. The Brunzell evaluation relies upon review of numerous archived articles published in the Davis Enterprise and the Sacramento Bee, as well as other local publications, and a site visit. The information gathered by Brunzell was used to determine the potential historicity of the subject structure. Evaluation of the structure by Kara Brunzell was conducted on ~~November 11, 2013~~ March 1, 2015.

Page 4.2-16, Chapter 4.2, Cultural Resources, of the Draft EIR, is hereby revised as follows:

NRHP Criterion A/CRHR Criterion 1 and Davis Historical Landmark Criteria

For NRHP and CRHR eligibility under NRHP Criterion A and CRHR Criterion 1, respectively, a resource must be associated with one or more event or historic theme of importance. According to the DPR 523 Primary Record and BSO Record, based on the building's association with the broad patterns of the history of Davis, the commercial development of Yolo County and the City of Davis, and the financial crisis of the late 1980s in California, the building ~~was~~ is considered eligible for listing under NRHP Criterion A and CRHR Criterion 1. ~~However, according to Historic Resource Associates' update provided in the DPR 523 Continuation Sheets, while both Interoast Life Insurance Company and Pacific Standard Life Insurance Company helped boost the local economy, so did many other local firms, large and small, including UC Davis. In addition, the original firm that occupied the subject property, Interoast Life Insurance Company, was only in the building for a few short years (1966-1970). As a result, according to the DPR 523 Continuation Sheets, the building is not eligible for listing under NRHP Criterion A or CRHR Criterion 1.~~

~~Similarly, the DPR 523 Primary Record and BSO Record originally determined the building to be considered a Davis landmark resource, eligible for listing on the DRHR. A landmark resource means buildings, structures, objects, signs, features, sites, places, areas, cultural landscapes or other improvements of the highest scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the City of Davis. A landmark is deemed to be so important to the historical and architectural fabric of the community that loss of the resource would be deemed a major loss to the community. According to the DPR 523 Continuation Sheets, neither the property's architectural design, past owners, nor association with UC Davis would elevate the building to listing as a Davis Landmark property. While the property is significant architecturally, as described in further detail below, the place or contribution to the community as a whole is not substantiated by the historical evidence. As such, the building is not eligible for listing under the DRHR as a Davis historical landmark~~

Eligibility for listing as a landmark resource is dependent on the significance and integrity of the site. Loss of integrity, such as redevelopment or removal of architecturally-significant design elements, has the potential to overwhelm the historical significance of a resource and render it ineligible for listing. While the building has received alterations over the years, such as removal of signage and flagpoles, and while a lack of maintenance to the

building's landscaping have affected the integrity of the building, the building still retains character-defining aspects of its New Formalist design that allow the building to convey its original historical significance. As such, the building meets the criteria for listing on the DRHR as an individual landmark for its local historical significance and architecture.

The above revisions are for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.2-19, Chapter 4.2, Cultural Resources, is hereby revised as follows:

In addition, Criterion 3 for listing on the DRHR as a merit resource is whether a resource embodies distinctive characteristics of a type, period, architectural style or method of construction; represents the work of a master designer; possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction. Based on the discussion above, the property is significant architecturally and is considered eligible for listing on the DRHR as a merit resource per Criterion 3. ~~While a similar criterion exists for eligibility as a Davis historical landmark, for the reasons described under NRHP Criterion A/CRHR Criterion 1 and Davis Historical Landmark Criteria above, the building's sense of place or contribution to the community as a whole is not substantiated by the historical evidence. As such, the building is not also~~ eligible for listing under the DRHR as a Davis historical landmark.

The above revisions are for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.2-20, Chapter 4.2, Cultural Resources, is hereby revised as follows:

#### Conclusion

Based on the above, the existing structure at 3820 Chiles Road is determined to be historically significant to the City of Davis and eligible for listing on the DRHR as both a merit resource and historical landmark. The building is also eligible for listing on the NRHP and CRHR under NRHP Criterion A/CRHR Criterion 1 and NRHP Criterion C/CRHR Criterion 3. As such, the structure is considered a historic resource per the requirements of CEQA.

The above revisions are for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

Mitigation Measure 4.2-1 on page 4.2-20 of Chapter 4.2, Cultural Resources, of the Draft EIR is hereby revised as follows:

- 4.2-1            *Prior to demolition of the existing on-site building, the applicant shall:*
- a) *Retain a qualified architectural historian, as approved by the City of Davis Department of Community Development and Sustainability, to prepare a "Historic Documentation Report." The report shall include current photographs of each building displaying each elevation, architectural details or features, and*

*overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants. The photo-documentation shall be done in accordance to HABS/HAER guidelines, which should include archival quality negatives and prints. The final Report shall be made available electronically in addition to being deposited with the City of Davis Department of Community Development and Sustainability, the Hattie Weber Museum, and the State Office of Historic Preservation, University Collections, and other appropriate organizations and agencies as identified by the City of Davis Department of Community Development and Sustainability.*

- b) *Place and maintain a publicly accessible space for a memorial or interpretive plaque/display on or near the former location of the subject property, identifying the former location of the building, its original owner, and its historic significance as it relates to Postmodern architectural design. The location of the memorial or plaque/display and information provided therein shall be determined in coordination with a subcommittee of the HRMC.*

The above revisions are for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The foregoing revisions reflect an update to the Department of Parks and Recreation 523 Primary Record (Appendix H in the Draft EIR) and the Historical Effects Analysis Study (Appendix G in the Draft EIR), which are attached to this Final EIR as Appendices A and B, respectively. Several other sections of the Draft EIR include references to the date of the DPR 523 Primary Record and BSO Record. Therefore, pages 4.2-1, 4.2-4, 4.2-8, and 4.2-18 are hereby revised, in a similar manner, to reflect the revised date of the document from November 11, 2013 to March 1, 2015.

### **4.3 GREENHOUSE GAS EMISSIONS AND ENERGY**

The Draft EIR, page 4.3-21, Chapter 4.3, Greenhouse Gas Emissions and Energy, is hereby revised as follows:

It is important to note that the proposed project is consistent with SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and is eligible for CEQA streamlining under SB 375. One benefit of the CEQA streamlining process is that projects that are consistent with the MTP/SCS do not have to consider project specific or cumulative impacts involving vehicle emissions related to the project's effect on global warming.<sup>25</sup> Therefore, this EIR does not include analysis of mobile source GHG emissions in regards to either the City of Davis' standards or the YSAQMD-recommended SMAQMD standards. Nevertheless, GHG emissions from all other sources, such as energy consumption, wastewater treatment, water consumption, and area sources, have been considered throughout this analysis.

The above changes are staff-initiated revisions intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.3-34, Chapter 4.3, Greenhouse Gas Emissions and Energy, is hereby revised as follows:

Moreover, future updates to the CBSC, such as the update anticipated for 2019, will likely provide increasingly stringent efficiency standards, which are anticipated to reduce the energy consumption of single-family homes by seven percent compared to the 2016 standards, and structures built in compliance with future CBSC would be increasingly more energy efficient. For example, as discussed in the Method of Analysis section above, low-rise residential structures, such as the single-family residences included in Alternative B, built under the 2019 CBSC will be required to incorporate PV systems able to meet 100 percent of the proposed residences' electricity demand. As such, the proposed project would not result in the inefficient or wasteful consumption of electricity or natural gas.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.3-35, Chapter 4.3, Greenhouse Gas Emissions and Energy, is hereby revised as follows:

It should further be noted that the SACOG MTP/SCS anticipates ~~a certain amount of a 36 percent growth in population in the region between 2012 and 2036~~ and includes the associated vehicle trips. The proposed project would fulfill a portion of the anticipated growth in the region. Thus, the vehicle trips associated with the proposed project were included in the MTP/SCS. Therefore, the proposed project would not be considered to result in a substantial increase in demand for regional fuel supplies, or a requirement for substantial additional fuel capacity, and a less-than-significant impact related to transportation energy use would occur.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.3-34, Chapter 4, GHG Emissions and Energy, is hereby revised as follows:

It should be noted that the project applicant has indicated that both the Preferred Site Plan and Alternative B would include the installation and operation of on-site renewable energy infrastructure in the form of carport PV panels. It is part of the applicant's intent for the project to meet or exceed the City of Davis' identified existing and additional reach code requirements in CALGreen Tiers 1 and 2, California Energy Code, and Davis Municipal Code. This approach would achieve a similar outcome as LEED Gold Equivalency, but is more consistent with the City of Davis' current approach to implementing and enforcing sustainability-related measures in development projects achieve a level of LEED Gold equivalency. The general sustainability strategies were previously mentioned in Section 3 of this EIR (Project Description).



The above revisions are applicant and staff-initiated changes intended for clarifications purposes and do not alter the analysis or conclusions within the Draft EIR.

#### 4.4 HYDROLOGY AND WATER QUALITY

The Draft EIR, page 4.4-3, Chapter 4.4, Hydrology and Water Quality, is hereby revised as follows:

Historically, groundwater was the sole potable water supply source for the City. However, in June 2016, the City began using treated wholesale surface water from the Woodland-Davis Clean Water Agency's (WDCWA) Regional Water Treatment Facility. With operation of the WDCWA's Regional Water Treatment Facility, treated surface water is replacing groundwater as the main source of water supply. Nevertheless, the City will continue to rely on groundwater as needed during high demand periods

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

Mitigation Measure 4.4-1 on page 4.4-14, Chapter 4.4, Hydrology and Water Quality, is hereby revised as follows:

*4.4-1 Prior to initiation of any ground disturbing activities, the project applicant shall prepare a SWPPP, and implement BMPs that comply with the Stormwater Construction General Permit from the RWQCB, to reduce water quality effects during construction. Such BMPs may include but not be limited to: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, watering down disturbed soil during grading activities, suspending grading or dirt disturbing activities during wind events in excess of 25 miles per hour, stabilized construction entrances, and temporary revegetation. Other BMPs may include, but be not limited to, good housekeeping practices such as concrete washout facilities, containerizing construction materials, keeping public street front clean of sediments, placing drainage inlet protection on any drainage inlets onsite or downstream of the project site, and having ~~still~~ spill response kits on-site. The SWPPP shall be kept on-site and implemented during construction activities and shall be made available upon request to representatives of the City of Davis and/or RWQCB.*

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

Mitigation Measure 4.4-2 on page 4.4-17, Chapter 4.4, Hydrology and Water Quality, is hereby revised as follows:

*4.4-2 Prior to issuance of grading permits, the applicant shall submit to the City a final drainage plan, identifying permanent stormwater Treatment Control MeasuresTCMs, Site Design MeasuresSDMs, and Hydromodification Measures, for each Drainage Management Area DMA to be implemented on the project, as*

*well as a signed stormwater maintenance agreement and corresponding maintenance plan. The plan shall include Low Impact Development ~~LD~~ measures consistent with the Preliminary Utility Study prepared for the project and shall be subject to review and approval by the Public Works Department.*

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.4-21, Chapter 4.4, Hydrology and Water Quality, is hereby revised as follows:

Based on the above, the proposed project would not result in any significant impacts related to water quality or stormwater quality. Overall, the combined water quality effects of potentially increased amounts of pollutants and volume of runoff flows resulting from construction and operation of cumulative projects could be considered significant. However, given that the project would comply with all applicable regulations related to hydrology and water quality, including Phase II Small MS4 General Permit requirements, the incremental contribution to cumulative hydrology and water quality impacts resulting from the proposed project would be considered *less than cumulatively considerable* and would therefore result in a less-than-significant impact.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

#### **4.5 LAND USE AND PLANNING**

The Draft EIR, page 4.5-6, Chapter 4.5, Land Use and Planning, is hereby revised as follows:

The following section describes the standards of significance and methodology utilized to analyze and determine the proposed project's potential impacts related to land use and planning. In addition, a discussion of the project's impacts, as well as mitigation measures where necessary, is ~~also~~ presented.

The above changes are staff-initiated revisions intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

#### **4.6 NOISE**

Mitigation Measure 4.6-2 on page 4.6-21, Chapter 4.6, Noise, of the Draft EIR is hereby revised as follows:

*4.6-2 Prior to issuance of grading permits, the following note shall be included on the Grading Plans submitted by the applicant for review and approval by the Director of Public Works: "Vibratory compactors shall maintain a minimum distance of 35-feet from any structures, and where possible, use rolling compactors or hand compacting within 50-feet of ~~from~~ any structures."*

The above revision is a staff-initiated change intended for clarification purposes and does not alter the analysis or conclusions within the Draft EIR.

Page 4.6-24, Chapter 4.6, Noise, of the Draft EIR, is hereby revised as follows:

**4.6-4 Transportation noise impacts to new sensitive receptors at the project site. Based on the analysis below and ~~with implementation of mitigation~~, the impact is less than significant.**

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

Page 4.6-24, Chapter 4.6, Noise, of the Draft EIR, is hereby revised as follows:

Traffic noise exposure at the proposed residences is discussed in detail below. Any design for sound walls would need to be based on the worst-case condition. The Super Cumulative Year 2035 Plus Project Conditions would result in the worst-case future noise environment at the project site. Accordingly, in order to evaluate the impacts of traffic noise on the proposed residential development, the analysis relies on noise levels that would occur at the project site under Super Cumulative Year 2035 Plus Project Conditions. Under Super Cumulative Year 2035 Plus Project Conditions, the project site would be exposed to exterior traffic noise levels of 70 dB L<sub>dn</sub> at first-floor residences and up to 73 dB L<sub>dn</sub> at upper-floor locations. The dominant traffic noise source is I-80. It should be noted that CEQA does not require an analysis of the environment's impact on the project. However, this impact is evaluated for the purpose of considering the project's consistency with policies in the City's General Plan.

The above revisions are staff-initiated changes required to comply with existing case law and are intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

Page 4.6-27, Chapter 4.6, Noise, of the Draft EIR, is hereby revised as follows:

Conclusion

The future potential exterior noise levels expected at the backyards of the single-family residences along La Vida Way under the Alternative B development scenario would exceed the City's 60 dB L<sub>dn</sub> exterior noise level standard. In addition, future potential interior noise levels at the upper floors under both the Preferred Site Plan and Alternative B would exceed the City's interior noise level standard of 45 dB L<sub>dn</sub>. ~~Therefore, transportation noise impacts to new sensitive receptors at the project site would be considered significant.~~ As stated above, such an effect would constitute the existing environment's effect on the project, which is not considered an impact under CEQA. Nonetheless, in order to address consistency with policies in the City's General Plan, the City would require the following to ensure consistency with the City's noise standards:

Preferred Site Plan and Alternative B

- Prior to building permit issuance, the applicant shall retain an expert noise consultant to perform a focused noise analysis to evaluate interior noise levels taking into consideration final building materials, and adjustments to building locations, facade construction, etc. to determine if the final site and building plans would result in interior noise levels with the potential to exceed the standard of 45 dB CNEL/L<sub>dn</sub>. If the final site plans result in interior noise levels that do not exceed 45 dB, nothing further is required. If the final site and building plans result in interior noise levels with the potential to exceed the standard of 45 dB CNEL/L<sub>dn</sub> within one or more residential units, then windows facing I-80 for all such residential units shall include recommended improvements to the building facades. Improvements could include upgraded STC rated windows, or other construction-related facade improvements. Upgrading of the windows shall be performed in accordance with the recommendations outlined in the noise report performed specifically for the project by j.c. brennan & associates, Inc.

Alternative B Only

- Prior to building permit issuance for proposed residential lots under Alternative B, the construction drawings shall include a noise barrier measuring six feet in height located adjacent to La Vida Way, in the area of the single-family residences. The locations of the recommended noise barriers are shown in Figure 4.6-2 of the EIR.

In summary, the proposed project would result in a *less-than-significant* impact related to exposure of persons to or generation of traffic noise levels in excess of standards established in the City's General Plan.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less than significant* level. *None required.*

Preferred Site Plan and Alternative B

~~4.6 4(a) — Prior to building permit issuance, the applicant shall retain an expert noise consultant to perform a focused noise analysis to evaluate interior noise levels taking into consideration final building materials, and adjustments to building locations, facade construction, etc. to determine if the final site and building plans would result in interior noise levels with the potential to exceed the standard of 45 dB CNEL/L<sub>dn</sub>. If the final site plans result in interior noise levels that do not exceed 45 dB, further mitigation is not required. If the final site and building plans result in interior noise levels with the potential to exceed the standard of 45 dB CNEL/L<sub>dn</sub> within one or more residential units, then windows facing I-80 for all such residential units shall include recommended improvements to the building facades. Improvements could include upgraded STC rated windows, or other construction related facade improvements. Upgrading of the windows shall be performed in accordance with the recommendations outlined in the noise report performed specifically for the project by j.c. brennan & associates, Inc. The final design of the~~

~~window upgrades shall be approved by the City of Davis Department of Community Development and Sustainability prior to building permit issuance.~~

*Alternative B Only*

~~4.6 4(b) Prior to building permit issuance for proposed residential lots under Alternative B, the construction drawings shall include a noise barrier measuring six feet in height located adjacent to La Vida Way, in the area of the single family residences. The locations of the recommended noise barriers are shown in **Error! Reference source not found.** of the EIR.~~

The above revisions are staff-initiated changes required to comply with existing case law and are based on the fact that effects of noise on the project is not within the purview of CEQA and should not be considered a significant impact.

#### 4.7 TRANSPORTATION AND CIRCULATION

The Draft EIR, page 4.7-11, Chapter 4.7, Transportation and Circulation, is hereby revised as follows:

MTIP identifies short-term projects (7-year horizon) in more detail. The 2016 MTP/SCS was adopted by the SACOG board in February 18, 2016.

It should be noted that the proposed project is located within the Yolo Transit Priority Area. Transit Priority Areas are areas of the region within one-half mile of a major transit stop (existing or planned light rail, street car, train station, or the intersection of two or more major bus routes) or an existing or planned high-quality transit corridor included in the MTP/SCS. ~~The project is entirely within one-half mile of two streets identified as high-quality transit corridors in the MTP/SCS (Richards Boulevard and 1<sup>st</sup> Street) and is within a ½ mile of the Davis Amtrak Station.~~ The project is entirely within one-half mile of the Cowell Boulevard high-quality transit corridor in the MTP/SCS. It is also within ½ mile of Drummond Avenue to the west and Mace Boulevard to the east, both of which are considered high-quality transit corridors in the MTP/SCS.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.7-32, Chapter 4.7, Transportation and Circulation, is hereby revised as follows:

As shown in the table, all study intersections, including the project access intersections, would operate at LOS D or better; thus, all intersections would continue to operate acceptably within acceptable thresholds for City of Davis (LOS E or better) during both AM and PM peak hour periods with implementation of the proposed project. In addition, none of the unsignalized study intersections would meet the peak hour signal warrant.



The above changes are staff-initiated revisions intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

Mitigation Measure 4.7-4 on page 4.7-33 of Chapter 4.7, Transportation and Circulation, of the Draft EIR is hereby revised as follows:

4.7-4 ~~Prior to demolition~~*Before commencement of any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Caltrans, Unitrans, Yolobus, and local emergency service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include:*

- *The number of truck trips, time, and day of street closures;*
- *Time of day of arrival and departure of trucks;*
- *Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;*
- *Provision of a truck circulation pattern;*
- *Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);*
- *Maintain safe and efficient access routes for emergency vehicles;*
- *Manual traffic control when necessary;*
- *Proper advance warning and posted signage concerning street closures;*  
*and*
- *Provisions for pedestrian and bicycle safety.*

*A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.*

The Draft EIR, page 4.7-44, Chapter 4.7, Transportation and Circulation, is hereby revised as follows:

With respect to the project's incremental contribution, however, as discussed in Impact 4.7-6, project-related Unitrans transit trips are estimated to be only eight trips occurring in the morning peak hour and 10 trips occurring in the evening peak hour, which would not, alone, create a crowding condition or be considered a substantial contribution such that a crowding condition would occur. While the proposed project would be served by Yolobus routes, future project residents are anticipated to rely primarily on Unitrans routes for transit needs. The project would not reduce service levels for any Yolobus routes. Therefore, the project's incremental contribution of transit trips would not decrease the performance or safety of transit facilities, resulting in an incremental contribution that is **less-than-cumulatively considerable and would therefore result in a less-than-significant impact.**

The above changes are staff-initiated revisions intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.7-44, Chapter 4.7, Transportation and Circulation, is hereby revised as follows:

Under cumulative conditions, the projected increase in future development would result in additional bicyclists and pedestrians using the City's transportation network, which would have the potential to decrease the performance of the bicycle and pedestrian network. However, with respect to the project's incremental contribution, as discussed in Impact 4.7-7, bicyclists and pedestrians associated with the proposed project would have a number of bicycle and pedestrian travel options from the site. Implementation of the proposed project would not cause any issues related to sight distance availability for bicycles entering adjacent roadways and would not be expected to result in any potential conflicts related to the bicycle or pedestrian network. Consequently, the proposed project's incremental contribution of multi-modal trips to the existing bicycle and pedestrian transportation facilities in the vicinity would not decrease the performance or safety of the facilities, resulting in an incremental contribution that is *less-than-cumulatively considerable* and would therefore result in a less than significant impact.

The above changes are staff-initiated revisions intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

#### **4.8 UTILITIES AND SERVICE SYSTEMS**

The Draft EIR, page 4.8-28, Chapter 4.8, Utilities and Service Systems, is hereby revised as follows:

Cunningham Engineering analyzed the capacity of the existing sewer line in La Vida Way, as well as the sewer line links within the surrounding sewer shed (see Figure 4.8-5). As discussed under Impact ~~4.12-5~~ 4.8-5, the existing collection system infrastructure in the project area is adequately sized to accommodate foreseeable cumulative development associated with buildout of the General Plan, as well as the proposed project, in the project's sewer shed area. Considering that the proposed project's increased wastewater generation would constitute a small portion of the sewer shed's cumulative wastewater generation, and the cumulative growth could be accommodated by the existing infrastructure, the increased wastewater generation attributable to the proposed project alone would not exceed the current capacity of existing wastewater infrastructure in the project sewer shed or other downstream sheds.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 4.8-35, Chapter 4.8, Utilities and Service Systems, is hereby revised as follows:

With respect to the collection system, according to Attachment 6 of the Utility Study for the proposed project, the existing City sewer system flowing to El Macero Drive has the

capacity to support the buildout of the General Plan with the inclusion of the proposed project (d/D equal to 50%). The shed encompassing the project site is currently near buildout, and will be considered fully developed upon completion of this project, with little opportunity to add additional flows in the future. Accordingly, following implementation of the proposed project, future development within the shed, and associated future additions of wastewater flow within the shed, is not anticipated.

The above revisions are for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

## 6 ALTERNATIVES ANALYSIS

The Draft EIR, page 6-4, Chapter 6, Alternatives Analysis, is hereby revised as follows:

- **Noise:** The EIR determined that implementation of the proposed project could result in significant impacts related to the following: a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; and exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; ~~and transportation noise at new sensitive receptors at the project site (specifically related to the exterior noise levels at the single-family residences proposed under Alternative B only and interior noise levels under both project development scenarios).~~ The EIR requires mitigation in order to ensure that the aforementioned impacts are reduced to less-than-significant levels.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 6-5, Chapter 6, Alternatives Analysis, is hereby revised as follows:

- **Noise**
  - Transportation noise impacts to existing sensitive receptors in the project vicinity.
  - Transportation noise at new sensitive receptors at the project site.
  - Cumulative impacts on traffic noise-sensitive receptors.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 6-11, Chapter 6, Alternatives Analysis, is hereby revised as follows:

### Noise

As determine in the Noise section of this EIR, the proposed project could result in a temporary construction noise impact to nearby receptors, as well as related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels as a result of on-site use of heavy construction equipment. Because the No Project Alternative would not involve any construction activities, the significant impacts identified for the proposed project associated with temporary construction noise and groundborne vibration would not occur with the No Project Alternative and Mitigation Measures 4.6-1

and 4.6-2 would not be required. ~~The No Project Alternative also does not include any residential uses that are sensitive to noise and Mitigation Measures 4.6-4(a) and (b) would not be required.~~

Overall, due to the lack of new development on the site, the No Project Alternative would result in fewer impacts related to noise than the proposed project.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 6-14, Chapter 6, Alternatives Analysis, is hereby revised as follows:

### Noise

Because the Commercial Mixed Use Alternative would involve demolition of the existing on-site structure and a similar overall area of disturbance as the proposed project, construction-related noise and vibration would likely be similar to what would be expected for the proposed project. Accordingly, the impacts related to a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project and exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels identified for the proposed project would be similar under the Commercial Mixed Use Alternative. Mitigation Measures 4.6-1 and 4.6-2 would still be required for the Alternative.

~~The Commercial Mixed Use Alternative would not involve residential uses or any other land uses that would be considered sensitive to noise. For office land uses, the City of Davis considers exterior noise levels under 65 dB  $L_{dn}$  to be normally acceptable and requires that interior noise levels be below 55 dB. As discussed in the Noise section of the EIR, under worst case conditions (i.e., Super Cumulative Year 2035 Plus Project Conditions), the project site would be exposed to exterior traffic noise levels of 70 dB  $L_{dn}$  at first floor locations and up to 73 dB  $L_{dn}$  at upper floor locations. For office uses, the noise standard should be applied to common outdoor activity areas. Similar to the proposed project, the Commercial Mixed Use Alternative buildings could be oriented in such a way as to shield outdoor common areas from I-80 traffic noise, thereby ensuring compliance with the City's exterior noise standard.~~

It should be noted that the Commercial Mixed Use Alternative could involve on-site stationary sources of noise, such as delivery trucks, loading activities, and HVAC equipment, which could affect the nearby residential receptors and school in the vicinity.

~~Modern construction typically provides a 25 dB exterior to interior noise level reduction with windows closed. Based on such, the Commercial Mixed Use Alternative would be expected to be exposed to interior noise levels of 45 dB at first floor locations and 48 at upper floor locations, which would be below the City's 55 dB standard for office uses. Consequently, the impacts identified for the proposed project related to interior noise levels would not occur under the Commercial Mixed Use Alternative.~~

Overall, the Commercial Mixed Use Alternative would result in ~~fewer~~similar impacts related to noise than the proposed project.

The above revisions are staff-initiated changes required to comply with existing case law and are intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, pages 6-17 and 6-18, Chapter 6, Alternatives Analysis, are hereby revised as follows:

### Noise

Because the Light Industrial/Business Park Alternative would involve demolition of the existing on-site structure and a similar overall area of disturbance as the proposed project, construction-related noise and vibration would likely be similar to what would be expected for the proposed project. Accordingly, the impacts related to a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project and exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels identified for the proposed project would be similar under the Light Industrial/Business Park Alternative. Mitigation Measures 4.6-1 and 4.6-2 would still be required for the Alternative.

~~The Light Industrial/Business Park Alternative would not involve residential uses or any other land uses that would be considered sensitive to noise. For office, business commercial, and professional land uses, the City of Davis considers exterior noise levels under 65 dB  $L_{dn}$  to be normally acceptable and requires that interior noise levels be below 55 dB. As discussed in the Noise section of the EIR, under worst case conditions (i.e., Super Cumulative Year 2035 Plus Project Conditions), the project site would be exposed to exterior traffic noise levels of 70 dB  $L_{dn}$  at first floor locations and up to 73 dB  $L_{dn}$  at upper floor locations. For office uses, the noise standard should be applied to common outdoor activity areas. Similar to the proposed project, the Commercial Mixed Use Alternative buildings could be oriented in such a way as to shield outdoor common areas from I-80 traffic noise, thereby ensuring compliance with the City's exterior noise standard.~~

It should be noted that the Light Industrial/Business Park Alternative could involve on-site stationary sources of noise, such as delivery trucks, loading activities, and HVAC equipment, which could affect the nearby residential receptors and school in the vicinity.

~~Modern construction typically provides a 25 dB exterior to interior noise level reduction with windows closed. Based on such, the Light Industrial/Business Park Alternative would be expected to be exposed to interior noise levels of 45 dB at first floor locations and 48 at upper floor locations, which would be below the City's 55 dB standard for office uses. Consequently, the impacts identified for the proposed project related to interior noise levels would not occur under the Light Industrial/Business Park Alternative.~~

Overall, the Light Industrial/Business Park Alternative would result in fewer similar impacts related to noise than the proposed project.

The above revisions are staff-initiated changes required to comply with existing case law and are intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.



The Draft EIR, pages 6-21 and 6-22, Chapter 6, Alternatives Analysis, are hereby revised as follows:

### Noise

Similar to the proposed project, the Off-Site (Nugget Fields) Alternative would include construction activities within close proximity to existing sensitive receptors. Given that the Alternative would involve a similar development footprint and would be located within a similar distance of existing sensitive receptors, short-term noise and vibration exposure at such receptors would be similar to that which would occur with implementation of the proposed project. Accordingly, the impacts related to a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project and exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels identified for the proposed project would be similar under the Off-Site (Nugget Fields) Alternative. Mitigation Measures 4.6-1 and 4.6-2 would still be required for the Alternative.

Operation of the Off-Site (Nugget Fields) Alternative would result in similar sources of noise as the proposed project. The Nugget Fields site is located in similar proximity to existing receptors, as compared to the project site. Compared to the existing recreational use of the Nugget Fields site, residential use of the site would be expected to have less operational noise impacts. However, due to the identical nature of the Off-Site (Nugget Fields) Alternative and the proposed project uses, as well as the similar proximity to existing receptors, the Off-Site (Nugget Fields) Alternative would be anticipated to result in similar impacts related to the effects of operational noise on existing receptors as the proposed project.

~~It should be noted that the Off-Site (Nugget Fields) Alternative would be exposed to traffic noise associated with Pole Line Road and Moore Boulevard in the site vicinity. A site-specific noise analysis would be required to determine specific traffic noise levels at the common outdoor areas of the residential development. However, because the Off-Site (Nugget Fields) Alternative would not be located within the vicinity of a high volume freeway, such as I-80, traffic noise levels would likely be reduced compared to the proposed project. Similar to the proposed project, the Off-Site (Nugget Fields) Alternative landscaped setbacks along the site frontage at both roadways would help to reduce on-site noise levels.~~

Based on the above, the significant impacts related to construction noise identified for the proposed project would be anticipated to occur under the Off-Site (Nugget Fields) Alternative, and Mitigation Measures 4.6-1 and 4.6-2 would still be required. ~~However, because the Alternative would not include development of residential uses near a freeway, Mitigation Measures 4.6-4(a) and 4.6-4(b) would likely not be required.~~ Therefore, the Off-Site (Nugget Fields) Alternative could result in fewer similar noise impacts as compared to the proposed project.

The above revisions are staff-initiated changes intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 6-24, Chapter 6, Alternatives Analysis, is hereby revised as follows:

Similar project entitlements would be required for Alternative B as the Preferred Site Plan. Alternative B would be capable of meeting all of the project objectives. A comparison of the impacts associated with Alternative B to those identified for the Preferred Site Plan is included in Table 6-3 below. Overall, impacts associated with Alternative B would be similar to what is anticipated to occur under the Preferred Site Plan, ~~with the exception of impacts related to interior noise levels. Alternative B would result in an impact related to interior noise levels, specifically related to the upper floor locations of single family residences proposed along La Vida Way under the Alternative, where such an impact would not occur under the Preferred Site Plan.~~

The above revisions are staff-initiated changes required to comply with existing case law and are intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

The Draft EIR, page 6-25, Chapter 6, Alternatives Analysis, is hereby revised as follows:

A comparison of the impacts that would occur under each of the alternatives, as discussed in detail above, to those anticipated for the proposed project is illustrated in Table 6-3 below. As shown in Table 6-3, all of the significant impacts identified for the proposed project would not occur or would be fewer under the No Project Alternative. Alternative B would result in similar impacts as the proposed project related to all resource areas ~~except for noise, which would be greater.~~ Both the Commercial Mixed Use Alternative and Light Industrial/Business Park Alternative would result in fewer impacts related to Air Quality ~~and Noise~~, and similar impacts related to Noise, Cultural Resources and Hydrology and Water Quality. However, the Commercial Mixed Use Alternative would result in greater impacts related to Transportation and Circulation, where the Light Industrial/Business Park Alternative would result in similar impacts. Although the Off-Site (Nugget Fields) Alternative would result in greater impacts relative to recreation, the Alternative would result in fewer impacts than the proposed project in the greatest number of resource areas compared to all other alternatives, with the exception of the No Project Alternative. In addition, the significant and unavoidable impact related to cultural resources would be avoided under the Off-Site (Nugget Fields) Alternative. As a result, the Off-Site (Nugget Fields) Alternative would be considered the environmentally superior alternative to the proposed project.

The above revisions are staff-initiated changes required to comply with existing case law and are intended for clarification purposes and do not alter the analysis or conclusions within the Draft EIR. Notwithstanding the above revisions, the determination in Section 6.5 regarding the environmentally superior alternative is unaffected.

The Draft EIR, Table 6-3, on page 6-26, Chapter 6, Alternatives Analysis, is hereby revised as shown on the following page. The revisions are for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

**Table 6-3  
Environmental Impacts of the Proposed Project and Project Alternatives**

<b>Impact</b>	<b>Proposed Project</b>	<b>No Project Alternative</b>	<b>Commercial Mixed Use Alternative</b>	<b>Light Industrial/Business Park Alternative</b>	<b>Off-Site (Nugget Fields) Alternative</b>	<b>Alternative B</b>
Air Quality	Less-Than-Significant with Mitigation	Fewer	Fewer	Fewer	Fewer	Similar
Cultural Resources	Significant and Unavoidable	None	Similar*	Similar*	Fewer	Similar*
Hydrology and Water Quality	Less-Than-Significant with Mitigation	Fewer	Similar	Similar	Similar	Similar
Noise	Less-Than-Significant with Mitigation	Fewer	<del>Fewer</del> Similar	<del>Fewer</del> Similar	<del>Fewer</del> Similar	<del>Fewer</del> Similar
Recreation	Less-Than-Significant	--	--	--	Greater	--
Transportation and Circulation	Less-Than-Significant with Mitigation	Fewer	Greater	Similar	Similar	Similar
No Impact = "None;" Less than Proposed Project = "Fewer;" Similar to Proposed Project = "Similar;" and Greater than Proposed Project = "Greater."						
* Significant and Unavoidable impact(s) determined for the proposed project would still be expected to occur under the Alternative.						

All changes to the Alternatives Analysis chapter presented above are intended to make the chapter consistent with the changes made to the Noise chapter of the Draft EIR, which are based on the fact that effects of noise on the project are not within the purview of CEQA and should not be considered a significant impact.

## 8 REFERENCES

The Draft EIR, page 8-1, Chapter 8, References, is hereby revised as follows:

3. Brunzell, Kara. *3820 Chiles Road, Davis, California. DPR 523 Primary Record and BSO Record.* ~~November 11, 2013~~ March 1, 2015.

The above revisions are for clarification purposes and do not alter the analysis or conclusions within the Draft EIR.

## APPENDIX E

Page eight of Appendix E to the Draft EIR is hereby revised as follows:

Although future residents at the proposed project would not be exposed to an increased cancer risk in excess of the 100 cases per million persons threshold being applied, measures to reduce the risk to future residents are available and should be considered. Specifically, the Sacramento Metropolitan Air Quality Management District (SMAQMD) recommends that enhanced indoor air filtration be used in projects located near sources of diesel particulates. Pages 36 through 39 of the April 2017 CARB Technical Advisory Document, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*,<sup>22</sup> also highlights “indoor high efficiency filtration” as a strategy to rescue air pollution impacts along freeways, and includes extensive support for this determination. As such, the following measure is recommended to be required by the City as a condition of approval for the proposed project in order to reduce potential risks to future on-site residents:

The foregoing text additions include an additional footnote. Thus, page eight of Appendix E to the Draft EIR is further revised to include the following footnote:

<sup>22</sup> California Air Resources Board. *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*. April 2017.

The number of all subsequent footnotes throughout the appendix will reflect the addition of the above footnote.

The foregoing revisions to text do not result in any changes to the analysis or conclusions presented in the Draft EIR.

Page nine of Appendix E to the Draft EIR is hereby revised as follows:

In addition to SMAQMD’s recommendations regarding enhanced indoor air filtration, recent scientific studies have shown that roadside landscaping can reduce roadway-generated pollutant exposure for nearby sensitive receptors. In light of recent studies,

SMAQMD published *Landscaping Guidance for Improving Air Quality Near Roadways*.<sup>22</sup> The landscaping guidance provides considerations based on general roadway frontage factors, as well as recommended best practices including, species mix, horizontal and vertical clearances, barrier length, vegetation spacing and long-term maintenance suggestions. It should be noted that while studies of the effect of vegetation on near roadway air pollution have generally supported the conclusion that vegetation near roadways can reduce pollutant exposure for nearby sensitive receptors, studies have shown such effects to be variable. Variation of pollutant reductions due to vegetation is understood to be based on site specific factors such as the built environment in proximity to such vegetation and the configuration of the landscaping. As a consequence of such uncertainty, the site-specific efficacy of landscaping at reducing exposure of nearby residents to roadway generated pollution cannot be conclusively known for the project site. Nevertheless, both the Preferred Site Plan and Alternative B, would include a berm and landscaping along the Chiles Road frontage. As currently proposed, the landscaping along the Chiles Road frontage would largely comply with SMAQMD's recommendations by extending along the entire project frontage, integrating vertically mixed vegetation, and generally conforming to the recommended 33 foot width. Although Table 1 demonstrates that future residents at the project site would not be subject to significant health risks due to roadway traffic along I-80, considering the general compliance of the proposed landscaping with the SMAQMD's guidance, such landscaping is likely to reduce exposure of on-site sensitive receptors to emissions related to operations of I-80 from the levels estimated in this analysis. The CARB's Technical Advisory Document, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (pgs. 32-35), also highlights the use of vegetation as a strategy to reduce air pollution impacts related to high-volume roadways, and includes extensive support for this determination.

The above revisions do not result in any changes to the analysis or conclusions presented in the Draft EIR.

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

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>4.2 Cultural Resources</b>			
<b>4.2-1 Cause a substantial adverse change in the significance of a historical resource.</b>	S	<p><i>4.2-1 Prior to demolition of the existing on-site building, the applicant shall:</i></p> <p style="margin-left: 40px;"><i>a) Retain a qualified architectural historian, as approved by the City of Davis Department of Community Development and Sustainability, to prepare a “Historic Documentation Report.” The report shall include current photographs of each building displaying each elevation, architectural details or features, and overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants. The photo-documentation shall be done in accordance to HABS/HAER guidelines, which should include archival quality negatives and prints. The final Report shall be <u>made available electronically in addition to being deposited with the City of Davis Department of Community Development and Sustainability, the Hattie Weber Museum, and the State Office of Historic Preservation, University Collections, and other appropriate organizations and agencies as identified by the City of Davis Department of Community Development and Sustainability.</u></i></p>	SU



		<p>b) Place and maintain a publicly accessible space for a memorial or interpretive plaque/display on or near the former location of the subject property, identifying the former location of the building, its original owner, and its historic significance as it relates to Postmodern architectural design. <u>The location of the memorial or plaque/display and information provided therein shall be determined in coordination with a subcommittee of the HRMC.</u></p>	
<b>4.4 Hydrology and Water Quality</b>			
<b>4.4-1 Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality through erosion during construction.</b>	S	<p>4.4-1 Prior to initiation of any ground disturbing activities, the project applicant shall prepare a SWPPP, and implement BMPs that comply with the Stormwater Construction General Permit from the RWQCB, to reduce water quality effects during construction. Such BMPs may include but not be limited to: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, watering down disturbed soil during grading activities, suspending grading or dirt disturbing activities during wind events in excess of 25 miles per hour, stabilized construction entrances, and temporary revegetation. Other BMPs may include, but be not limited to, good housekeeping practices such as concrete washout facilities, containerizing construction materials, keeping public street front clean of sediments, placing drainage inlet protection on any drainage inlets onsite or downstream of the project site, and having <del>still</del> <u>spill</u> response kits on-site. The SWPPP shall be kept on-site and implemented during construction activities and shall be made available upon request to representatives of the City of Davis and/or RWQCB.</p>	LS
<b>4.4-2 Violate any water quality standards or waste discharge</b>	S	<p>4.4-2 Prior to issuance of grading permits, the applicant shall submit to the City a final <u>drainage plan</u>, identifying</p>	LS

<p>requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality during operations.</p>		<p>permanent stormwater <u>Treatment Control Measures</u>TCMs, <u>Site Design Measures</u>SDMs, and <u>Hydromodification Measures</u>, for each <u>Drainage Management Area</u> DMA—to be implemented on the project, as well as a signed stormwater maintenance agreement and corresponding maintenance plan. The plan shall include <u>Low Impact Development</u> <del>LID</del> measures consistent with the Preliminary Utility Study prepared for the project and shall be subject to review and approval by the Public Works Department.</p>	
<p><b>4.6 Noise</b></p>			
<p><b>4.6-2 Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.</b></p>	<p>S</p>	<p>4.6-2 Prior to issuance of grading permits, the following note shall be included on the Grading Plans submitted by the applicant for review and approval by the Director of Public Works: “Vibratory compactors shall maintain a minimum distance of 35-feet from any structures, and where possible, use rolling compactors or hand compacting within 50-feet <del>of from</del> any structures.”</p>	<p>LS</p>
<p><b>4.6-4 Transportation noise impacts to new sensitive receptors at the project site.</b></p>	<p><u>SLS</u></p>	<p><u>None required.</u></p> <p><u>Preferred Site Plan and Alternative B</u></p> <p><del>4.6-4(a) Prior to building permit issuance, the applicant shall retain an expert noise consultant to perform a focused noise analysis to evaluate interior noise levels taking into consideration final building materials, and adjustments to building locations, facade construction, etc. to determine if the final site and building plans would result in interior noise levels with the potential to exceed the standard of 45 dB CNEL/Ldn. If the final site plans result in interior noise levels that do not exceed 45 dB, further mitigation is not required. If the final site and building plans result in interior noise levels with the potential to exceed the standard of 45 dB CNEL/Ldn within one or more</del></p>	<p><u>LSN/A</u></p>

		<p><del>residential units, then windows facing I 80 for all such residential units shall include recommended improvements to the building facades. Improvements could include upgraded STC rated windows, or other construction related facade improvements. Upgrading of the windows shall be performed in accordance with the recommendations outlined in the noise report performed specifically for the project by j.c. brennan &amp; associates, Inc. The final design of the window upgrades shall be approved by the City of Davis Department of Community Development and Sustainability prior to building permit issuance.</del></p> <p><i>Alternative B Only</i></p> <p><del>4.6 4(b) Prior to building permit issuance for proposed residential lots under Alternative B, the construction drawings shall include a noise barrier measuring six feet in height located adjacent to La Vida Way, in the area of the single-family residences. The locations of the recommended noise barriers are shown in Figure 4.6 2 of the EIR.</del></p>	
<b>4.7 Transportation and Circulation</b>			
<p><b>4.7-4 Impacts related to construction vehicle traffic.</b></p>	<p>S</p>	<p>4.7-4 <del>Prior to demolition</del><u>Before commencement of any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Caltrans, Unitrans, Yolobus, and local emergency service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include:</u></p>	<p>LS</p>

		<ul style="list-style-type: none"> <li>• The number of truck trips, time, and day of street closures;</li> <li>• Time of day of arrival and departure of trucks;</li> <li>• Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;</li> <li>• Provision of a truck circulation pattern;</li> <li>• Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);</li> <li>• Maintain safe and efficient access routes for emergency vehicles;</li> <li>• Manual traffic control when necessary;</li> <li>• Proper advance warning and posted signage concerning street closures; and</li> <li>• Provisions for pedestrian <u>and bicycle</u> safety.</li> </ul> <p>A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.</p>	
<b>Initial Study</b>			
<p><b>IV-a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish</b></p>	PS	<p>Swainson's Hawk</p> <p>IV-1(a) For construction activities occurring between <u>March 15</u><del>February 1</del> and August 30<del>1</del>, the project applicant shall retain a qualified biologist to conduct surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000) or currently accepted guidance/industry standards, subject to review and approval by the</p>	LS

<p><b>and Wildlife or U.S. Fish and Wildlife Service?</b></p>		<p><i>Department of Community Development and Sustainability. Surveys shall encompass a 0.25-mile minimum radius around the construction area. If Swainson’s hawk and/or Swainson’s hawk nests are not observed during the survey, further mitigation is not required. If nesting Swainson’s hawks are detected, a 0.25-mile, no-disturbance buffer should be established, depending on location. The buffer shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. The buffer distance may be reduced in consultation with CDFW and the Department of Community Development and Sustainability if an adequate visual buffer exists between the construction and an active nest, and if the nesting pair is not disturbed by the noise and activity on the construction site. This is done on a case-by-case basis if a nest has been established prior to or during construction.</i></p> <p><i>IV-1(b) If an active Swainson’s hawk nest is found within the project site and the nesting tree is to be removed during construction activities, removal shall take place only after (1) the qualified biologist has determined that the young have fledged (typically by August 31<sup>st</sup>) and are no longer reliant upon the nest or parental care for survival, and (2) outside of the Swainson’s hawk nesting season (<del>March 15<sup>February</sup></del> <u>March 15</u> to August 30<del>4</del>). If any nesting tree is removed, a tree replacement plan shall be prepared, in consultation with CDFW and the Department of Community Development and Sustainability, to replace the nest trees. The tree replacement plan shall require the nesting tree(s) be replaced on a 1:1 basis and planted at an on-site or off-site location selected by the project applicant in consultation with CDFW and the Department of Community Development and Sustainability. The tree replacement plan shall also require that a qualified</i></p>	
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		<p><i>biologist monitor any replacement trees on an annual basis for five years to ensure the survivability of replacement trees. Results of the monitoring shall be submitted to the Department of Community Development and Sustainability for review and approval.</i></p> <p><i>Burrowing Owl</i></p> <p><i>IV-2(a) The project applicant shall implement the following measures to avoid or minimize impacts to western burrowing owl:</i></p> <ul style="list-style-type: none"> <li>• <i>No more than 14 days prior to initiation of ground disturbing activities, the project applicant shall retain a qualified burrowing owl biologist to conduct a take avoidance survey of the proposed project site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012, CDFW’s Staff Report on Burrowing Owl Mitigation guidelines. If the survey does not identify any nesting burrowing owls on the proposed project site, further mitigation is not required. The take avoidance survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review. The survey periods and number of surveys are identified below:</i> <ul style="list-style-type: none"> <li>○ <i>If construction related activities commence during the non-breeding season (1 September to 31 January), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing</i></li> </ul> </li> </ul>	
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		<p>owl habitat within 500 feet of the construction footprint of that phase.</p> <ul style="list-style-type: none"> <li>○ If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.</li> <li>○ If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three take avoidance surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after 15 June.</li> <li>○ Because the owls are known to occur nearby and may take up occupancy on a site under construction, the take avoidance survey shall be conducted prior to the start of any new phase, and/or if construction-related activity is delayed or suspended for more than 30 days.</li> </ul> <ul style="list-style-type: none"> <li>● If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures consistent with the applicable portions of the March 7, 2012, CDFW's Staff Report on Burrowing Owl Mitigation guidelines. If needed, as determined by the biologist, the formulation of</li> </ul>	
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		<p style="text-align: right;"><i>avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on-site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized under a CDFW-approved burrow exclusion plan.</i></p> <p><i>IV-2(b) If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat at a ratio of 2.5 acres of higher quality owl habitat for every one acre of suitable owl habitat disturbed. The calculation of habitat loss may exclude acres currently occupied by hardscape or structures. Such mitigation may include the permanent protection of land that is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. A record of the compensatory mitigation provided by the project applicant shall be submitted to the City of Davis Department of Community Development and Sustainability prior to initiation of ground disturbing activities.</i></p> <p><i>Raptors and Nesting Migratory Birds</i></p> <p><i>IV-3 The project applicant shall implement the following measures to avoid or minimize impacts to raptors and federally-protected nesting migratory birds:</i></p>	
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		<ul style="list-style-type: none"> <li>• <i>If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active nests shall not be required.</i></li> <li>• <i>If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 500-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures are not necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.</i></li> <li>• <i>If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the <u>biologist shall notify the project applicant who</u> shall immediately:           <ul style="list-style-type: none"> <li>○ <i>Stop all work within a 100-foot radius of the discovery.</i></li> <li>○ <i>Notify the City of Davis Department of Community Development and Sustainability.</i></li> <li>○ <i>Do not resume work within the 100-foot radius until authorized by the biologist.</i></li> </ul> </i></li> </ul>	
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		<ul style="list-style-type: none"> <li>○ <i>The biologist shall establish a minimum 500-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.</i></li> </ul> <p><i>Special-Status Bats</i></p> <p><i>IV-4 Before ground disturbance is initiated, a qualified biologist shall conduct a habitat assessment survey to determine whether the removal of trees greater than 10 inches in diameter at breast height (DBH) support bat roosts. Trees shall be surveyed within 14 days before the onset of construction. Surveys shall consist of daytime pedestrian surveys looking for potential roosting habitat such as branch and bole hollows, exfoliating bark and other crevices and cavities, and an evening emergence survey with acoustic equipment to note the presence or absence of bats. The emergence survey is necessary to survey for foliage-roosting bat species.</i></p> <p><i>If bats are not acoustically detected and potential roosting habitat is not identified, then further study and mitigation is not required. If evidence of bat use is detected, the biologist shall determine the approximate number and species of bats using the roost, and roost type (i.e., individual or maternity roost). A 100-foot buffer shall be created around the roost and project-related activities</i></p>	
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		<p><i>shall not occur within the buffer until after one of the steps below is performed:</i></p> <ul style="list-style-type: none"> <li>• <i>A qualified biologist has determined that the roost is no longer in use.</i></li> <li>• <i>A qualified biologist determines that bat exclusion is feasible and confirms that all bats have been excluded from the daytime roost. Bat exclusion shall not occur between April 1 and September 15 (depending on type of roost and location), which coincides with the maternity season in California.</i></li> <li>• <i>Trees that potentially support active roosts have been removed. However, if bat roosts are detected on the project site, trees shall not be removed from April 1 to September 15 in order to avoid the maternity season. Subject to monitoring by a qualified biologist, trees that potentially support active roosts may be removed outside of the maternity season using procedures that create noise and cause vibration, which are designed to cause bats to leave potential roosts.</i></li> </ul> <p><i>Results of the habitat assessment survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.</i></p>	
<p><b>VIII-b Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?</b></p>	<p>PS</p>	<p>VIII-1</p> <p><i>Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains lead-based paint. If the structure does not contain lead-based paint, further mitigation is not required. If lead-based 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 federal, State, and local regulations. The</i></p>	<p>LS</p>

		<p><i>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 federal, State, and local regulations subject to approval by the City of Davis Department of <u>Community Development and Sustainability Engineer</u>.</i></p> <p>VIII-2 <i>Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains asbestos. If the structure does not contain asbestos, further mitigation is not required. If asbestos-containing materials are detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to approval by the City of <u>Davis Department of Community Development and Sustainability Engineer</u>, City Building Official, and the Yolo-Solano Air Quality Management District.</i></p> <p><i>Implementation of the asbestos abatement plan shall include the removal and disposal of the asbestos-containing materials by a licensed and certified asbestos removal contractor, in accordance with local, State, and federal regulations. <del>In addition, the demolition contractor shall be informed that all building materials shall be considered as containing asbestos.</del> The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing asbestos in accordance with local, State, and federal regulations subject to approval by the City of <u>Davis Department of Community Development and Sustainability Engineer</u>, City Building</i></p>	
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		<i>Official, and the Yolo-Solano Air Quality Management District.</i>	
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