

RESOLUTION NO. 13- 159, SERIES 2013

**RESOLUTION ADOPTING CEQA FINDINGS OF FACT;
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS;
ADOPTING A MITIGATION MONITORING PLAN; AND CERTIFYING THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CANNERY PROJECT**

WHEREAS, the subject project is known as the “The Cannery” and is located on approximately 100.1 acres of land located at 1111 East Covell Boulevard, within the incorporated boundary of the City of Davis (APNs: 035-970-34, 035-970-35, 035-970-37, and 035-970-51). The project site is generally located north of Covell Boulevard, east of F Street; and

WHEREAS, the project The project proposes a mix of land uses consisting of low, medium, and high density residential uses; a mixed-use business park component; drainage detention areas; open spaces including greenbelts, agricultural buffers, and an urban farm; parks; and a neighborhood center. The project would include up to 547 residential dwelling units, 40 accessory dwelling units and up to 171,270 square feet of mixed-use commercial, office and high density residential uses; and

WHEREAS, the Final Environmental Impact Report (SCH #20122032022) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the California Environmental Quality Act (CEQA; *Public Resources Code* § 21000 *et seq.*) to analyze the environmental effects of the project; and

WHEREAS, a Notice of Preparation was circulated for a 30-day public review and comment period commencing on March 9, 2012; and

WHEREAS, a public scoping meeting was held March 27, 2012 to receive comments on the appropriate scope of the EIR; and

WHEREAS, the Draft EIR was circulated for a 45-day public review and comment period commencing February 25, 2013 and concluding April 10, 2013; and

WHEREAS, the Final EIR (Response to Comments) documents were released September 6, 2013 including hand delivery of responses to all public agencies that commented on the Draft EIR in satisfaction of CEQA Guidelines Section 15088(b); and

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

WHEREAS, on March 27, 2013 the Planning Commission held a public hearings to receive comments regarding the adequacy of the Draft EIR; and

WHEREAS, between the public scoping meeting and date of final action over 15 official noticed public meetings and hearings of various City commissions and the City Council were held to deliberate the merits of the proposed project and make recommendations regarding components of or a final action on the project; and

WHEREAS, on October 9, 2013, the Planning Commission voted to recommend that the City Council approve the project with conditions; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Davis does hereby approve as follows:

1. Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact, attached hereto as Exhibits A and B.

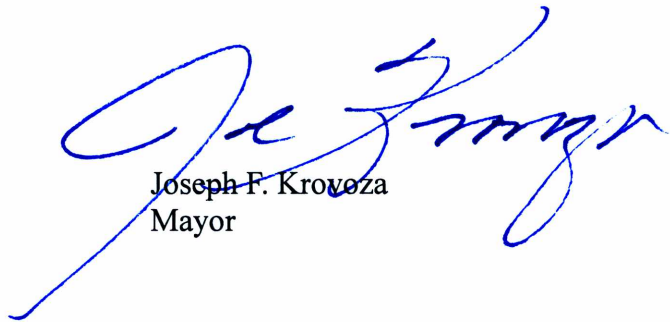
2. Exhibit A of this Resolution provides the findings required under Section 15093 of the *CEQA Guidelines* relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable". The City Council hereby adopts the Statement of Overriding Considerations contained within Exhibit A.
3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the *CEQA Guidelines* that approval of the project will result in significant effects on the environment, however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.
4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.
5. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.
6. The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit B, is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.
7. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.
8. The City Council hereby certifies the Final EIR in accordance with the requirements of CEQA.
9. A Notice of Determination shall be filed immediately after final approval of the project.
10. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:
 - a) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the County of Yolo Planning Department;

- b) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files;
- c) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA “responsible” agencies.

PASSED AND ADOPTED by the City Council of the City of Davis on this 19th day of November, 2013, by the following vote:


AYES: Frerichs, Swanson, Wolk

NOES: Lee, Krovoza



Joseph F. Krovoza
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk

CEQA FINDINGS OF FACT

and

**STATEMENT OF OVERRIDING
CONSIDERATIONS**

**OF THE CITY COUNCIL OF
THE CITY OF DAVIS**

for the

THE CANNERY PROJECT

I. INTRODUCTION

The City of Davis (“City”), as lead agency, has prepared an Environmental Impact Report (“EIR”) for The Cannery Project (the “Project”) (State Clearinghouse No. 2012032022). The EIR consists of the Draft EIR (“Draft EIR” or “DEIR”) and the Final EIR (“FEIR” or “Final EIR”). The EIR is a project-level EIR pursuant to Section 15161 of the CEQA Guidelines.

The EIR analyzes the significant effects on the environment (“significant impacts”) of the “Project.” The Project proposes a mix of land uses consisting of low, medium, and high density residential uses; a mixed-use business park component; drainage detention areas; open spaces including greenbelts, agricultural buffers, and an urban farm; parks; and a neighborhood center. The project would include up to 547 residential dwelling units, 40 accessory dwelling units and up to 171,270 square feet of mixed-use commercial, office and high density residential uses.

These findings, as well as the accompanying statement of overriding considerations in section X, *infra*, have been prepared in accordance with the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code of Regs. §15000 et seq.).

II. PROJECT DESCRIPTION

A. LOCATION

The project site consists of approximately 100.1 acres of land located at 1111 East Covell Boulevard, within the incorporated boundary of the City of Davis (APNs: 035-970-34, 035-970-35, 035-970-37, and 035-970-51). The project site, formerly the location of the Hunt-Wesson tomato cannery, is north of East Covell Boulevard and east of the Union Pacific Railroad line and the F Street drainage channel. The northern and eastern boundaries of the project site are coterminous with the Davis city limits.

The Project site is generally a slanted rectangle with boundaries defined by East Covell Boulevard on the south, an existing Union Pacific Railroad (UPRR) line and the F Street open drainage channel on the west and agricultural lands on the north and east. Residential neighborhoods are located west of the UPRR line and F Street Channel. Multi-family residential (Cranbrook Apartments) and office uses are across East Covell Boulevard, south of the site. Adjacent lands to the north and east are currently zoned Limited Industrial (M-L) under the jurisdiction of Yolo County, and are seasonally farmed with rotating annual crops. See Draft EIR at p. 2.0-1.

B. OVERVIEW

The project proposes a mix of land uses consisting of low, medium, and high density residential uses; a mixed-use business park component; drainage detention areas; open spaces including greenbelts, agricultural buffers, and an urban farm; parks; and a neighborhood center. The

project would include up to 547 residential dwelling units, 40 accessory dwelling units and up to 171,270 square feet of mixed-use commercial, office and high density residential uses.

The Notice of Preparation issued for the Draft EIR stated that the project would include up to 610 residential dwelling units and up to 236,000 square feet of mixed-use commercial, office and high density residential uses. Since that time, the applicant has reduced the number of residential units proposed by the Project.

In order to ensure that the EIR fully and conservatively addressed the full range of environmental impacts that may occur with project implementation, the analysis in the EIR is based on the upper limit of development that may occur with the Cannery project site. This upper limit of development is consistent with the development totals and intensities presented in the NOP (the 610 residential units shown in Figure 2-5). The Project approvals seek entitlements for a reduced development intensity than what is analyzed in the EIR. The analysis in the EIR thus presents a conservative “worst case” scenario with respect to the potential environmental impacts of the Project.

C. PROJECT OBJECTIVES

As set forth in Section 2 of the Draft EIR (pp. 2.0-2 to 2.0-3) the project objectives for the Project are as follows:

1. Provide for a mix of land uses that integrate housing, business park, and neighborhood serving retail on a single site with public open space, an urban farm, naturalized environments and park land, in an overall design that advances “smart growth” principles.
2. Provide a development plan that is focused on connectivity to adjacent neighborhoods and the City core through improvements and enhancements to the City’s bike and pedestrian network of trails and dedicated bike routes.
3. Provide opportunities for physical improvement to public infrastructure such as public roadways, sidewalks, intersections, public transportation stops, and bike and pedestrian trails.
4. Provide for diverse housing types in support of the City’s goal for providing an inclusive multigenerational approach to residential development.
5. Provide a sufficient number of new housing units to assist the City in satisfying its Regional Housing Needs Allocation (RHNA) obligation.
6. Provide for increased residential densities on a site within the City presently planned for urban growth with accessible infrastructure, in furtherance of growth policies identified in the Blueprint for Regional Growth prepared and adopted by the Sacramento Area Council of Governments (SACOG).

7. Provide for a mix of housing densities and product types integrated into other land uses in a compact but logical manner.
8. Use park land and naturalized environments as the organizing element of the overall neighborhood development plan.
9. Develop a unique and creative approach to sustainable neighborhood design by integrating environmental engineering and landscape architecture elements into a comprehensive neighborhood plan.
10. Provide an urban farm as a community asset and as a transition between urban uses and adjacent agricultural land.
11. Provide for the adaptive reuse and redevelopment of a former industrial site located within the city limits.
12. Provide a sufficient number of residential units within the Project area to support necessary improvements to public facilities.
13. Include a mix of land uses and facilities, which are fiscally feasible and implement funding mechanisms to maintain a neutral/positive fiscal impact to the City's general fund.

D. DISCRETIONARY APPROVALS

The discretionary actions by the City, as lead agency, that are required to fully implement the Specific Plan are listed below. In addition to complying with CEQA by certifying the Final EIR, adopting the findings and associated statement of overriding considerations, and adopting the Mitigation Monitoring and Reporting Plan, the project applicant has applied for the following approvals from the City:

- Certification of the Environmental Impact Report
- General Plan Amendment to modify the General Plan Land Use Map, as shown in Figure 2-4 of the Draft EIR
- General Plan Amendment to create a new General Plan Land Use Category for Neighborhood Mixed Use
- Rezoning
- Planned Development
- Affordable Housing Plan
- Development Agreement
- Large Lot and Small Tentative Subdivision Maps
- Design Review to establish design guidelines and development standards

(Draft EIR, p. 2.0-3.)

Other Project approvals that must be granted by responsible agencies and federal agencies include or may include the following:

- California Department of Fish and Wildlife - consultation regarding pre-construction surveys for special-status species; issuance of incidental take permits pursuant to Section 2081(b) of the California Fish and Game Code; verification of measures to reduce impacts to special-status species; verification of compliance with the California Endangered Species Act (CESA); and approval of any riparian habitat restoration plans;
- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities, Section 401 water quality certification, verification of National Pollutant Discharge Elimination System (NPDES) requirements, and permitting fill of isolated wetlands under the State's Porter-Cologne Act;
- Yolo-Solano Air Quality Management District - Approval of construction-related air quality permits;
- Federal Emergency Management Agency (FEMA) - Conditional Letter of Map Revision (CLOMR and LOMR-F (Letter of Map Revision based on fill));
- U.S. Army Corps of Engineers (USACE) – Issuance of 404 permit under the Clean Water Act for offsite infrastructure improvements within the F Street Drainage Channel and verification of the wetland delineation; and
- U.S. Fish and Wildlife Service (USFWS)- Possible Section 7 Consultation under the Endangered Species Act to determine impacts to special-status species within the F Street Drainage Channel.

III.

ENVIRONMENTAL REVIEW PROCESS

In accordance with section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (“NOP”) of an EIR on March 9, 2012. Pursuant to CEQA Guidelines sections 15023(c) and 15087(f), the State Clearinghouse in the Governor’s Office of Planning and Research was responsible for distributing environmental documents to State agencies, departments, boards, and commissions for review and comment. The City followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse was obligated to make, and did make, that information available to interested agencies for review and comment. A public scoping meeting

was held on March 27, 2012 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and all comments received on the NOP are presented in Appendix A of the Draft EIR.

The EIR includes analyses of the following issue areas:

- Aesthetics and Visual Resources
- Air Quality
- Cultural Resources
- Greenhouse Gases and Climate Change
- Hydrology and Water Quality
- Noise
- Transportation and Circulation
- Agricultural Resources
- Biological Resources
- Geology, Soils and Mineral Resources
- Hazards and Hazardous Materials
- Public Utilities
- Land Use Planning
- Public Services and Recreation
- Utilities

On February 25, 2013, the City distributed the Draft EIR to public agencies, the general public, and the State Clearinghouse for a 45-day public review period that ended on April 10, 2013. The Planning Commission held a public hearing on the Draft EIR on March 27, 2013. The Planning Commission held a public workshop on the Project and the Final EIR on September 11, 2013, and a public hearing on September 25, 2011.

IV. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6(e), the record of proceedings for the City's decision on the Project includes, but is not limited to, the following documents:

- The NOP and all other public notices issued by the City in conjunction with the Project (Draft EIR Appendix A);
- All comments submitted by agencies or members of the public during the comment period on the NOP (Draft EIR Appendix A);
- The Draft EIR for the Project (February 2013) and Final EIR (September 2013) The and all appendices, as well as all documents cited or referenced therein;
- The Cannery Sanitary Sewer Master Plan (Draft EIR Appendix N);
- The Cannery Water Supply Master Plan (Draft EIR Appendix M)
- The Cannery Water Supply Assessment, and all documents cited therein (Draft EIR Appendix F);

- Transportation Analysis and Data (Draft EIR Appendix K);
- Air Quality Modeling Results and Data (Draft EIR Appendix C)
- Noise Data (Draft EIR Appendix J);
- Cultural Resources Report (Draft EIR Appendix D);
- Preliminary Geotechnical Investigation (Draft EIR Appendix E);
- Preliminary Drainage, Flood Control and Stormwater Master Plans (Draft EIR Appendices L1, L2);
- Phase I and Phase II Environmental Site Assessments (Appendices G, H and I);
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- The City of Davis General Plan;
- The City of Davis Zoning Ordinance and all other Municipal Code provisions cited in materials prepared by or submitted to the City;
- Any and all resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- Any additional documents expressly cited in the Draft and Final EIRs and these findings; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e).

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the City Council or delivered to City Staff and stored in City files specifically generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the City Council was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the experts

who advice provided advice to City Staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6 (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Davis Department of Community Development and Sustainability, 23 Russell Boulevard, Davis, CA 95616. The custodian of these documents is the Director of Community Development and Sustainability.

V.

CONSISTENCY WITH APPLICABLE PLANS AND ORDINANCES

The EIR evaluated the Project to determine whether it is consistent with applicable plans, policies, and regulations. The relevant plans, policies, and regulations are summarized below.

CITY OF DAVIS GENERAL PLAN

The City last completed a comprehensive update of the General Plan in 2001. The City's Housing Element is currently undergoing an update. The General Plan includes goals, objectives, and policies for growth management in the City.

The City of Davis General Plan designates the project site as Industrial. The Industrial designation identifies areas for basic industries, manufacturing and employment in Davis, with adequate separation from incompatible uses and appropriate environmental controls. The Cannery project proposes a range of residential densities, a mixed-use business park, an urban farm, a neighborhood center, and a variety of open space uses. The project's proposed land uses are shown on Tables 2-1 and 2-2, and Figures 2-5, 2-6, and 2-7 of the Draft EIR. The project is not consistent with the Industrial designation. As a result, the Project requires a general plan amendment to change the site's General Plan designation to designate the site Neighborhood Mixed Use, Residential Low Density, Residential Medium Density, Residential High Density, Parks and Recreation, Public/Semi Public, Urban Agricultural Transition Area, and Neighborhood Greenbelt under the City of Davis General Plan Land Use Map, as shown on Figure 2-4 in the Project Description chapter of the Draft EIR.

The General Plan Land Use designation of Neighborhood Mixed Use is a newly proposed General Plan Land Use, and is not currently in the City's General Plan. As described in the discussion under Impact 3.10-2 in the Draft EIR, the proposed general plan amendment will ensure the Project's consistency with the City's General Plan requirements. Accordingly, the Project is consistent with the City's General Plan.

CITY OF DAVIS ZONING ORDINANCE

Proposed uses in the Project area are illustrated by EIR Figures 2-5, 2-6, and 2-7 in the Draft EIR Table 2-1 provides a breakdown of the land uses and acreage amounts. The zoning for the project site will remain Planned Development; however, the project site is designated Planned Development–Industrial to Planned Development (PD-1-11) by the Project approvals. Article 40.22 establishes processing, preliminary development plan (project application) content requirements, and standards for the Planned Development district. The requested Planned Development zone would allow for the range of uses and development standards proposed by the project as described in Chapter 2.0 of the Draft EIR.

SACOG SUSTAINABLE COMMUNITIES STRATEGY (SCS)

On April 19, 2012, the Sacramento Area Council of Governments (SACOG) adopted its Sustainable Communities Strategy (SCS), as required by Senate Bill (SB) 375 as part of the concurrent update of the Metropolitan Transportation Plan (MTP). As required by SB 375, the adopted SCS promotes and encourages development in areas defined by SACOG as Transit Priority Areas (TPAs). TPAs are areas of the region within one-half mile of a major transit stop (existing or planned light rail, street car, or train station) or an existing or planned high-quality transit corridor included in the MTP/SCS.

SB 375 establishes CEQA streamlining incentives to assist and encourage residential and mixed-use housing projects consistent with the SCS, and in particular, projects within TPAs. The CEQA streamlining benefits available under SB 375 are for residential and residential mixed-use projects that are consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS. Under SB 375, an EIR prepared for a project that is consistent with the SCS is not required to reference, describe, or discuss (1) growth-inducing impacts; or (2) project specific or cumulative impacts from cars and light-duty truck trips on global climate change or the regional transportation network if the project incorporates the mitigation measures required by an applicable prior environmental document. In addition, an EIR prepared for an SCS-consistent project is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project, as described under Public Resources Code § 21159.28.

As described in greater detail in the EIR, the Project is consistent with SACOG’s SCS, and as such, this EIR does not include an analysis of potential impacts from cars and light-duty trucks on global climate change.

VI.

EXPLANATION OF FINDINGS REQUIRED UNDER CEQA

Public Resources Code §21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of Projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 also provides that “in the event [that] specific economic, social, or other conditions make

infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by Public Resources Code §21002 are implemented, in part, through the requirement of Public Resources Code §21081 that agencies must adopt findings before approving projects for which an EIR is required. For each significant environmental effect identified in an EIR for a Project, the approving agency must make a written finding reaching one or more of three conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (Public Resources Code §21080(a)(1)-(3); CEQA Guidelines, §15091(a).) As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (Public Resources Code §21061.1; see also CEQA Guidelines §15126.6(f)(1) [determining the feasibility of alternatives]. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sequoiah Hills, supra*, 23 Cal.App.4th at p. 715.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*.)

CEQA requires that the lead agency adopt feasible mitigation measures or feasible alternatives to substantially lessen or avoid significant environmental impacts that would otherwise occur.

With respect to a project for which significant impacts are infeasible to avoid or substantially lessen, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project’s benefits outweigh its significant unavoidable adverse environmental effects. ((Public Resources Code, §§ 21001, 21002.1(c), 21081(b).) The City’s Statement of Overriding Considerations for the Project is included herein in Section XI, below.

VII. SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT

Approving the Project will result in the following significant and unavoidable impacts, some of which can be reduced, although not to a less-than-significant level, through implementation of feasible mitigation measures identified in the EIR and adopted in connection with the Project. It is hereby determined that these significant and unavoidable adverse impacts are acceptable for the reasons specified in Section XI, below.

Impacts 3.3-1 and 3.3-6. Project implementation may result in substantial increases in criteria pollutants from project operations. The proposed project would be a direct and indirect source of air pollution, in that it would generate and attract vehicle trips in the region (mobile source emissions) and it would increase area source emissions. The mobile source emissions would be entirely from vehicles, while the area source emissions would be primarily from the use of natural gas fuel combustion, hearth fuel combustion, landscape fuel combustion, consumer products, and architectural coatings. The Yolo-Solano Air Quality Management District (YSAQMD) has established operational daily thresholds for criteria pollutants, as well as mitigation measures to be applied to new development. As described in Section 3.3 of the Draft EIR (under Impact 3.3-1 and related discussion), the emissions reductions achieved by the adoption of all feasible mitigation measures and the project's design features would not bring the operational source emissions below the below the YSAQMD thresholds of significance for ROG, NO_x or PM₁₀. Therefore, implementation of the proposed project would have a significant and unavoidable impact.

Impacts 3.13-2 and 4.15 (cumulative). Project implementation could result in significant impacts by placing new homes in areas outside of acceptable fire response times. The Fire Department currently operates three fire stations, located in the downtown (core) area, south Davis and west Davis. The closest fire station to the project site is currently Station 31 located at 530 Fifth Street, approximately 0.75 miles from the southern boundary of the project site and 1.2 miles from the northern boundary of the project site. The City of Davis General Plan Policy POLFIRE 1.2 requires the City to “develop and maintain the capacity to reach all areas of the City with...fire service within a five-minute emergency response time, 90% of the time.” Based on response time maps prepared by the Fire Department, the southern boundary of the project site is located within a four minute drive time of Station 31. With dispatch, turnout, and travel time, the project site is estimated to be within a 6-7 minute response time of Station 31. The estimated 6-7 minute response time is also applicable to numerous areas within the City and the City Council has directed the Fire Department to pursue planning for a fourth fire station to improve five minute response time coverage. The General Plan EIR concluded that the fire protection infrastructure was inadequate to maintain fire service standards. The City Council found that fire response times would remain deficient until such time as a fourth fire station is constructed to serve the northern portion of the City of Davis, which includes the project site. The Davis City Council adopted Findings of Fact and a Statement of Overriding Considerations that found that the specific economic, legal, social, technological, and other considerations supported approval of the General Plan despite the significant and unavoidable impact. Therefore, consistent with the analysis of the Davis General Plan and General Plan EIR, the proposed project would have a significant and unavoidable impact to fire protection services. This impact would be reduced when, or if, the City builds a fourth fire station to serve the northern portion of the city in accordance with the General Plan.

Impact 3.14-1. Project implementation could result in significant impacts at the unsignalized Covell Boulevard/Oak Tree Plaza driveway intersection (#20). This intersection currently operates at LOS F during the PM peak hour on the side-street approach and satisfies the peak hour volume signal warrant. The addition of project

traffic would exacerbate LOS F conditions and increase the overall intersection's volume from 1,976 to 2,225 during the PM peak hour, which is a 12.6 percent increase. Since operations are unacceptable, the peak hour signal warrant is met, and the project causes a greater than one percent increase in traffic, this is a significant impact. The Draft EIR identifies a series of potential mitigation measures to address conditions at this intersection, and describes the feasibility and effectiveness of each mitigation option. See Mitigation Measures 3.14-1A through 3.14-1F. Because it is not known which of the mitigation alternatives may be implemented in the future, this impact is considered significant and unavoidable.

VIII.

SIGNIFICANT EFFECTS THAT ARE REDUCED TO A LESS-THAN SIGNIFICANT LEVEL BY MITIGATION MEASURES ADOPTED AND INCORPORATED INTO THE PROJECT.

The EIR identifies the significant impacts associated with the Project that can be reduced to a less-than-significant level by mitigation measures identified in the EIR. The City's findings with respect to each of the Project's significant impacts and mitigation measures are set forth in the attached Exhibit 1¹ which is attached to these findings and is incorporated herein by this reference.

For Impacts 3.1-3, 3.2-2, 3.3-2, 3.4-2, 3.4-4, 3.4-5, 3.4-7, 3.4-8, 3.4-10, 3.5-1, 3.6-2, 3.6-3, 3.7-1, 3.8-1, 3.8-3, 3.8-8, 3.9-1, 3.9-4, 3.9-6, 3.11-5, 3.13-1, 3.13-4, 3.13-5, 3.14-1, 3.14-2, 4.1, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, and 4.17 identified and analyzed in the EIR, it is hereby determined that these impacts will be mitigated to a less-than-significant level or avoided by adopting Mitigation Measures 3.1-1, 3.1-2, 3.2-1, 3.3-1, 3.3-2, 3.3-3, 3.3-4, 3.4-1, 3.4-2, 3.4-3, 3.4-4, 3.4-5, 3.4-6, 3.4-7, 3.4-8, 3.4-9, 3.4-10, 3.4-11, 3.4-12, 3.5-1, 3.6-1, 3.6-2, 3.6-3, 3.7-1, 3.8-1, 3.8-2, 3.8-3, 3.8-4, 3.8-5, 3.8-6, 3.9-1, 3.9-2, 3.9-3, 3.9-4, 3.9-5, 3.11-3, 3.13-1, 3.13-2, 3.13-3, 3.14-1(A)-(F), and 3.14-2, which are identified in the EIR and are hereby adopted and incorporated into the Project,

The City hereby adopts and/or readopts these mitigation measures, for the reasons set forth in these findings, in the Draft EIR with respect to the particular impact in question, and summarized in the attached Exhibit 1, and incorporates them into the Project. To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment,

¹ The attached Exhibit 1 provides a summary description of each significant impact of the Project, all of which are evaluated in full in the EIR; describes the applicable mitigation measures identified in the EIR and adopted or readopted by the City; and states the City's findings on the significance of each impact after adoption and incorporation into the Project of these mitigation measures. Full explanations of these environmental findings and conclusions can be found in the EIR. These findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts, including but not limited to the EIR in its entirety. In making these findings, the City Council ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

however, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Section XI, below.

The Draft EIR explains that 384 trees measuring five inches in diameter and larger measured at breast height are located within or are overhanging the project site. (DEIR, p. 3.4-4.) The Draft EIR lists the number of trees per species as well as the aggregate diameter in inches of each species. (*Ibid.*) Additionally, the Initial Arborist Report and Tree Inventory Summary, included as Exhibit B to the Draft EIR, identifies all 384 trees and describes their condition. (Exh. B to the Draft EIR, Inventory Summary.)

As discussed in the Initial Arborist Report and Draft EIR, the arborist recommended that 65 of the 384 trees be removed “due to the nature and extent of defects, compromised health and/or structural instability” of the trees as determined during the field inventory conducted for the Initial Arborist Report. (Exh. B to the Draft EIR, p. 3; see also Draft EIR, pp. 3.4-33 - 34 [discussing and listing the compromised trees].) In addition to the 65 compromised trees, the DEIR explains that the Project will require removal of trees identified in the grading, improvement, and building plans. (Draft EIR, p. 3.4-35.)

The Draft EIR concludes the impact associated with all trees required to be removed as part of the Project can be reduced to a less than significant level through implementation of Mitigation Measure 3.4-12, which provides:

Prior to the commencement of construction, the project proponent shall retain a qualified arborist to perform preconstruction surveys of the project site and offsite improvements site. The Initial Arborist Report and Tree Inventory (April 2012) shall be updated based on subdivision maps, grading plans, improvement plans, and building plans to detail the trees to be preserved and removed. The arborist shall include a Tree Protection Plan that illustrates the grading/improvement plans with the trees plotted on the plans. Compliance with the Tree Protection Plan shall be required before and during any site disturbance and construction activity and prior to issuance of building permits. A Tree Modification Permit shall be submitted to the City for any proposed removal of a tree. Mitigation shall be implemented in accordance with the Davis Municipal Code Chapter 37 Tree Planting, Preservation, and Protection, and may include tree replacement or a combination of tree replacement and payment of fees.

(Final EIR, p. 3.0-20.)

The Tree Protection Plan is subject to review and approval by the City’s Urban Forest Manager, following consultation with a subcommittee of the City Tree Commission. Decisions to remove trees will be made on a case-by-case basis, reflecting condition of tree health and structure, grading and improvement plans, and site configuration. The Tree Protection Plan will provide for phased submittal and review of tree protection and mitigation requirements at the time of grading and demolition plan submittal, urban farm design review submittal, and the mixed use final planned development submittal. Where feasible, as determined by the Urban Forest Manager, Valley oak and Deodar Cedar trees in fair condition shall be retained. In addition, where feasible, as determined by the Urban Forest Manager, additional Valley oak trees shall be

preserved where there are opportunities to prune the oak trees in order to remove dead branches and broken branch stubs, provide clearance for paths, buildings, and utilities, improve structural stability, and remove pest problems.

Only trees authorized for removal pursuant to the Tree Modification Permit may be removed. The Tree Protection and Mitigation Plan will detail the mitigation for any proposed tree removal. As described in the EIR, tree impacts associated with the Project will be mitigated in accordance with the Davis Municipal Code Chapter 37 Tree Planting, Preservation, and Protection, using one of the following methods: (1) Replanting Trees On-Site; (2) Replanting Trees Off-Site; and/or (3) In-lieu Payment to the Tree Preservation Fund.

As discussed in the final Mitigation Monitoring and Reporting Plan, the final Tree Protection Plan and associated Tree Modification Permit for the Project will be prepared prior to the commencement of construction activities. The total number of trees identified for removal within the final Tree Protection Plan and associated Tree Modification Permit may differ from the total number currently anticipated for removal. ““The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.”” (*Western Placer Citizens for an Agricultural & Rural Environment v. County of Placer* (2006) 144 Cal.App.4th 890, 898.) The City Council finds that potential impacts to all of the 384 trees identified in the EIR may be mitigated to a less than significant level through implementation of Mitigation Measure 3.4-12. Therefore, the City Council concludes the Project’s impact to trees is less than significant after mitigation identified in the EIR. (*River Valley Preservation Project v. Metropolitan Transit Dev. Bd.* (1995) 37 Cal.App.4th 154, 168 [“recirculation of an EIR, or the preparation of an S[upplemental or Subsequent] EIR [is not required] if mitigation measures are adopted which reduce the impact to a level of insignificance]; see also *Silverado Modjeska Recreation & Park Dist. v. County of Orange* (2011) 197 Cal.App.4th 282, 304-308.)

Other significant impacts identified in the EIR and listed in attached Exhibit 1 cannot be avoided or reduced to a less-than-significant level by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. These significant and unavoidable impacts are described in Section VII, above, and summarized in Exhibit 1. For reasons set forth in Section XI, below, however, the City has determined that overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment associated with the Project.

The City hereby adopts and incorporates into the Project all of the mitigation measures identified in attached Exhibit 1. Some of the mitigation measures identified in attached Exhibit 1 are within the responsibility and jurisdiction of other agencies. To the extent any of the mitigation measures are within the responsibility and jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their responsibility and jurisdiction.

IX.
MITIGATION MONITORING PROGRAM

A Mitigation Monitoring and Reporting Program has been prepared for the Project, and will be approved by the City Council by the same Resolution that adopts these findings. The City will use the Mitigation Monitoring and Reporting Program to ensure compliance with adopted mitigation measures. The Mitigation Monitoring and Reporting Program will remain available for public review during the compliance period.

X.
PROJECT ALTERNATIVES

A. BASIS FOR ALTERNATIVES-FEASIBILITY ANALYSIS

Public Resources Code §21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effect that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there are any feasible project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an agency decision-making body may ultimately conclude that a potentially feasible alternative is actually infeasible. (*City of Santa Cruz, supra*, 177 Cal.App.4th at p. 981, 999.) The failure of an alternative to fully satisfy project objectives determined to be important by decision-makers, or the fact that an alternative fails to promote policy objectives of concern to such decision-makers, are grounds for finding an alternative to be infeasible. (*Id.* at pp. 992, 1000-1003.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of a proposed project as mitigated, the decision-makers may reject the alternative for such reasons.

Under CEQA, where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if an alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 (*Laurel Hills*); see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) Specifically, the CEQA Guidelines provide that “[t]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines, § 15126.6(a).) When a lead agency has determined that certain effects on the environment of a project are not significant, the lead

agency does not need to discuss those impacts in detail within the environmental impact report. (Pub. Resources Code, § 21100.) Therefore, like mitigation measures, a lead agency is not required to consider the feasibility of implementing an alternative to a project unless the alternative will avoid or substantially lessen a significant impact. (CEQA Guidelines, § 15126.4(a)(3) [mitigation measures are not required for effects which are not found to be significant]; CEQA Guidelines, § 15126.6(a) [alternatives must focus on significant impacts of the project and the ability of the alternative to avoid or substantially lessen such impacts].)

Under CEQA Guidelines §15126.6(a), the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the Objectives described above in section II.C of these Findings provided the framework for defining possible alternatives. The selection of alternatives analyzed in the EIR took into account the project objectives, and primary consideration was given to alternatives that would reduce any of the project’s significant impacts while still meeting most of the basic project objectives. Based on these objectives, the City developed four alternatives that it addressed in detail in the EIR, and another six alternatives that were considered but were not addressed in further detail. All of the alternatives assume no development in the Urban Reserve area, because there are no proposals for development in that area at this time.

Pursuant to the requirements of CEQA Guidelines §15126.6, and in light of the Project Objectives, the following alternatives to the Project were identified:

- No Project/No Build Alternative
- Buildout Under Existing General Plan Alternative
- Alternative Locations Alternative
- Site Reconfiguration Alternative

The City Council finds that that a good faith effort was made to evaluate a range of potentially feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain most of the basic objectives, even when the alternatives might impede the attainment of some of the project objectives and might be more costly. (CEQA Guidelines §15126.6(b).) As a result, the scope of alternatives analyzed in the EIR is reasonable. (See, e.g., Draft EIR, pp. 5.0-1 to 5.0-34.)

As described in greater detail in Chapter 3.7, *Greenhouse Gases and Climate Change*, the proposed project is consistent with SACOG’s Sustainable Communities Strategy (SCS). SB 375 establishes CEQA streamlining incentives to assist and encourage residential and mixed-use housing projects consistent with the SCS, and in particular, projects within TPAs. The CEQA streamlining benefits available under SB 375 are for residential and residential mixed-use projects that are consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS. Under SB 375, an EIR prepared for a project that is consistent with the SCS is not required to reference, describe, or discuss (1) growth-inducing impacts; or (2) project specific or cumulative impacts from cars and light-duty truck trips on global climate change or the regional transportation network if the project incorporates the mitigation measures required by an applicable prior environmental document. In addition, an EIR prepared for an SCS-consistent project is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty

truck trips generated by the project, as described under Public Resources Code §21159.28. Given the project's consistency with the SCS, the CEQA streamlining benefits provided by SB 375, and the reasonable range of project alternatives addressed in the EIR, the City finds that a reduced intensity project alternative is not required by CEQA to be considered in the EIR.

These findings address whether the alternatives analyzed in the EIR substantially lessen or avoid any of the significant unavoidable impacts associated with the Project and also consider the feasibility of each alternative. Under CEQA, “[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines § 15364; see also CEQA Guidelines §15126.6(f)(1).) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Moreover, “feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.

B. DESCRIPTION OF PROJECT ALTERNATIVES

Potential alternatives to the Project were evaluated with respect to the objectives of the Project as discussed in Chapter 5, “Alternatives” of the Draft EIR and this section of the Findings. The Draft EIR identified and compared in detail the environmental effects of the four alternatives listed below with environmental impacts resulting from the Project. (See Draft EIR, pp. 5.0-1 through 5.0-34.) The City Council has independently reviewed, analyzed, and considered the information on alternatives provided in the Final EIR and the administrative record, and finds that all the alternatives are either infeasible or would not meet most of the project objectives for the reasons set forth below.

ALTERNATIVE 1 (No Project Alternative)

1. Description

Under CEQA, the No Project Alternative must be analyzed and must describe the environmental conditions that exist at the time that the Notice of Preparation (“NOP”) is circulated, as well as what would reasonably be expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services. (CEQA Guidelines 15126 (e) (2).)

The No Project (No Build) Alternative assumes that the project site would remain in its current condition and that the remaining industrial building pads and parking areas would not be removed. No site development would occur under this alternative. It is noted that the No Project (No Build) Alternative would fail to meet the project objectives identified by the City of Davis.

2. Analysis of Alternative 1's Ability to Reduce Significant Unavoidable Project Impacts

None of the impacts identified in Chapters 3 or 4 of the Draft EIR, including the significant and unavoidable impacts, would occur under the No Project Alternative, because the project area would remain in its current state. As a result, the No Project Alternative would be environmentally superior to the Project.

However, the No Project Alternative would not achieve any of the project objectives because it does not propose a development project. Most notably, the No Project Alternative is inconsistent with the objective that seeks to meet the City's share of regional housing needs under the Regional Housing Needs Allocation (RHNA) and to be consistent with the SACOG Blueprint Preferred Land Use Map. The Blueprint Preferred Land Use Map accommodates projected regional growth. The No Project Alternative would divert projected growth to another location in the region or away from the existing urban footprint, which would create additional environmental impacts. Because of its inconsistency with SACOG Blueprint principles, the No Project Alternative, while environmentally superior to the Project in the short term, compared to existing conditions, would likely be environmentally inferior to the Project in the long-term as measured against a future baseline condition assuming all future regional growth anticipated by SACOG. Under the latter scenario, the Project would be superior to the No Project Alternative with respect to long-term per capita consumption of land, water, electricity, natural gas, and vehicle fuels, long-term per capita wastewater generation, and long-term per capita air pollutant and greenhouse gas emissions.

ALTERNATIVE 2 (Buildout Under Existing General Plan Alternative)

1. Description

Under this alternative, the project site would be fully developed, consistent with the current General Plan Land Use designation of Industrial and current zoning designation of PD-1-00 (Planned Development-Industrial). For the purposes of this analysis, it is assumed that the area of site disturbance on the project site would be essentially the same area proposed for disturbance under the proposed project. It is assumed that the site access points from Covell Boulevard would be in the same location as the access points for the proposed project and that the western, eastern, and northern interior edges of the project site would include the open space/detention basins currently being proposed for The Cannery project. However, the urban farm would not be included in this alternative. It is assumed that industrial development on the site under the existing Industrial land use designation would yield up to 2.14 million square feet of floor space (based on a floor area ratio (FAR) of 0.5, as allowed in the Davis General Plan for the Industrial land use designation).

2. Analysis of Alternative 2's Ability to Reduce Significant Unavoidable Project Impacts

a. Air Quality (Impacts 3.3-1 and 3.3-6)

As described in Section 3.3, implementation of the proposed project would generate emissions during both the construction phase and the operational phase. Construction related impacts would be similar under this alternative when compared to the proposed project, as the area of ground disturbance would be comparable, and the duration of construction would be comparable. However, under this alternative, mobile source emissions would increase. Mobile source (vehicle emissions) are directly related to the number of vehicle trips generated by a project. As shown in Table 3.14-4 in Section 3.14 of the Draft EIR, the proposed project is estimated to generate up to 12,040 new external vehicle trips on a daily basis. Under this alternative, the light industrial uses developed on the project site would generate up to 15,884 daily vehicle trips, which would generate increased levels of pollutants from mobile sources. Additionally, with more on-site industrial uses under this alternative, there would be the potential for increased stationary source emissions (small batch plants, emissions associated with painting/finishing, etc.). Therefore, this alternative would have increased impacts related to air quality when compared to the proposed project.

b. Fire Response Times (Impacts 3.13-2 and 4.15)

Because Alternative 2 would be developed on the same site as the proposed Project, impacts associated with fire response times would be the same (significant and unavoidable) under either scenario.

c. Transportation and Circulation (Impact 3.14-1)

This alternative would result in increase daily vehicle trips when compared to the proposed project. As shown in Table 3.14-4 in Section 3.14, the proposed project is estimated to generate up to 12,040 new external vehicle trips on a daily basis. Under this alternative, the light industrial uses developed on the project site would generate up to 15,884 daily vehicle trips. As shown in Table 3.14-4, the proposed project would generate up to 921 AM peak hour vehicle trips, and 937 PM peak hour vehicle trips. Under this alternative, up to 2,436 AM peak hour trips would be generated, and up to 2,903 PM peak hour trips would be generated. This alternative would more than double the amount of AM and PM peak hour vehicle trips generated at the project site. This has the potential to greatly increase impacts to area roadways and intersections. Impacts related to traffic and circulation would be increased under this alternative when compared to the proposed project, including impacts to the Covell Boulevard/Oak Tree Plaza driveway intersection, which would be significant and unavoidable under this alternative as it is with respect to the Project.

ALTERNATIVE 3 (Alternative Locations Alternative)**1. Description**

In order to develop an alternative location for the project site, three vacant or underutilized parcels in the City (Wildhorse Ranch, PG&E Service Center property and Nishi property) were combined into a single project and would be developed with the same number of housing units and non-residential building square footage as the proposed project (approximately 610 housing units and 236,000 square feet of non-residential commercial/retail/office uses). Combined, these parcels add up to approximately 96.5 acres, which is comparable to the size of the Cannery site (100.1 acres). It was assumed that the 610 housing units and 236,000 square feet of mixed-use commercial/office/retail space proposed for the project would be split proportionally between these three parcels, based on the size of each parcel. Therefore, the Wildhorse Ranch site would include 156 residential units at low, medium, and high densities, plus approximately 59,000 square feet of mixed-use commercial/office/retail uses. The PG&E site would include 172 residential units at low, medium, and high densities, plus approximately 67,000 square feet of mixed-use commercial/office/retail uses. The Nishi site would include 282 residential units at low, medium, and high densities, plus approximately 110,000 square feet of mixed-use commercial/office/retail uses.

2. Analysis of Alternative 3's Ability to Reduce Significant Unavoidable Project Impacts**a. Air Quality (Impacts 3.3-1 and 3.3-6)**

This alternative would result in the construction of the same number of housing units and the same area of mixed-use commercial uses as the proposed project. It is assumed that residential units constructed under this alternative would be developed at the same density ranges as those proposed for the project. While this alternative would distribute the total units throughout areas of Davis, total mobile source emissions would likely be very similar to those generated by the proposed project. However, under this alternative, significant demolition efforts would be required in order to prepare the PG&E site for development. This would include building demolition, pavement removal, and infrastructure removal prior to site preparation and grading. Given the level of effort that would be required to prepare the PG&E site for construction, it is assumed that construction-related air quality emissions would increase under this alternative when compared to the proposed project. Additionally, the Nishi site and the PG&E site are located in close proximity to Interstate 80, which is heavily travelled by vehicles on a daily basis. The placement of residences in close proximity to the freeway has the potential to expose residents and sensitive receptors to concentrations of toxic air contaminants from vehicle exhaust, which may pose health risks. Overall, this alternative would have greater potential air quality impacts than the proposed project.

b. Fire Response Times (Impacts 3.13-2 and 4.15)

This alternative would result in the construction of the same number of housing units and the same area of mixed-use commercial uses as the proposed project. There would be no change in the population and employment generated under this alternative when compared to the proposed project. As such, this alternative would generate the same demand for public services as the proposed project. Response times associated with police and fire protection would be approximately the same under these alternatives. There would be no change under this alternative.

c. Transportation and Circulation (Impact 3.14-1)

This alternative would result in the construction of the same number of housing units and the same area of mixed-use commercial uses as the proposed project. It is assumed that this alternative would generate a similar volume of daily vehicle trips and peak hour vehicle trips as the proposed project. However, these vehicle trips would originate and terminate in three dispersed locations throughout the City, rather than at a single location at the Cannery site. Under this alternative, traffic in the immediately vicinity of the Cannery site would be reduced. However, the PG&E site is in close proximity to downtown Davis, which generally experiences higher traffic volumes and increased congestion than the roads in the vicinity of the Cannery site. The PG&E site is also closer to the UC Davis campus, and uses at this site would likely have better opportunities for walking and bicycling to campus and other key areas of the downtown. The Nishi site is adjacent to the UC Davis campus, and traffic from this site would interact with campus traffic, which may result in LOS impacts in this area of the City. A quantitative traffic analysis to determine roadway and intersection impacts has not been conducted for this alternatives analysis. It is assumed that this alternative would have similar impacts to traffic when compared to the proposed project.

ALTERNATIVE 4 (Site Reconfiguration Alternative)

1. Description

Under this alternative, the project would be developed with the same number of residential units, and the same amount of mixed-use commercial development, but the site layout would be altered and reconfigured. The site reconfiguration would eliminate areas currently proposed for low-density residential development, reduce the area proposed for medium-density residential development, and increase the area proposed for high-density residential development. The areas proposed for mixed-use commercial development, the club house, parks, and the existing well site would remain unchanged compared to the proposed project. The area proposed for the urban farm along the project's eastern boundary would increase under this alternative. For the purposes of this analysis, the residential and mixed-use land uses on the site would be set back further from the northern and eastern edges of the property, which would increase the amount of open space/greenbelts on the site along the northern edge of the site and increase the width of the urban farm along the eastern edge of the site. The project's frontage along Covell Boulevard would remain unchanged, and the project's setback from the F Street Corridor and railroad tracks along the site's western boundary would remain unchanged. See Table 5.0-1 of the Draft EIR.

2. Analysis of Alternative 4's Ability to Reduce Significant Unavoidable Project Impacts

a. Air Quality (Impacts 3.3-1 and 3.3-6)

This alternative would result in the construction of the same number of housing units and the same area of mixed-use commercial uses as the proposed project. However, under this alternative, more of the housing units would be constructed as high-density housing. Low-density housing would be eliminated under this alternative, and medium-density housing would be reduced under this alternative. In other words, under this alternative, more apartments and condos would be developed, and fewer single-family homes would be developed when compared to the proposed project. As shown in Table 3.14-4 of the Draft EIR, apartments generate fewer daily vehicle trips and fewer peak hour vehicle trips than single-family residences. Therefore, under this alternative, the total daily and peak hour vehicle trips would be reduced. As described in Section 3.3, the proposed project would generate mobile source emissions during the operation phase of the project. Under this alternative, fewer vehicle trips would be generated, and mobile source emissions would be reduced when compared to the proposed project. Additionally, under this alternative, less of the project site would be graded, and construction emissions would be slightly reduced under this alternative when compared to the proposed project. Overall, this impact would be reduced under this alternative but would still be considered significant and unavoidable per YSAQMD's daily operational air quality thresholds

b. Fire Response Times (Impacts 3.13-2 and 4.15)

Because Alternative 4 would be developed on the same site as the proposed Project, impacts associated with fire response times would be the same (significant and unavoidable) under either scenario.

c. Transportation and Circulation (Impact 3.14-1)

This alternative would result in the construction of the same number of housing units and the same area of mixed-use commercial uses as the proposed project. However, under this alternative, more of the housing units would be constructed as high-density housing. Low-density housing would be eliminated under this alternative, and medium-density housing would be reduced under this alternative. In other words, under this alternative, more apartments and condos would be developed, and fewer single-family homes would be developed when compared to the proposed project. As shown in Table 3.14-4, apartments generate fewer daily vehicle trips and fewer peak hour vehicle trips than single-family residences. Therefore, under this alternative, the total daily and peak hour vehicle trips would be reduced. This reduction in trips would reduce impacts to area roadways and intersections when compared to the proposed project, but not to a degree sufficient to eliminate the significant and unavoidable impact at the Covell Boulevard/Oak Tree Plaza driveway intersection.

C. ABILITY OF PROJECT ALTERNATIVES TO SATISFY PROJECT OBJECTIVES AND FEASIBILITY.

As described above in these Findings, the concept of “feasibility” encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” This discussion below describes whether, or to what extent, each of the alternatives analyzed in the EIR meets the project objectives and is therefore feasible.

1. *Provide for a mix of land uses that integrate housing, business park, and neighborhood serving retail on a single site with public open space, an urban farm, naturalized environments and park land, in an overall design that advances “smart growth” principles.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative no development would occur, either on the project site or elsewhere. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses. This alternative would not integrate other land uses on the project site, and thus would not constitute a mixed use development combining residential, employment and retail uses on the site. Buildout under the Existing General Plan would not satisfy this project objective. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, but would not involve the development of a single site and thus would achieve the land use synergy associated with the mixed use concept to a lesser degree than the proposed project. Further, this alternative would not include the development of an urban farm at any of the three sites in question. The Site Reconfiguration Alternative would contain a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating medium- and low-density residential development from the site. In this regard, the Site Reconfiguration Alternative would not provide a full range and mix of land uses, and thus would satisfy this objective to a lesser extent than the proposed project.

2. *Provide a development plan that is focused on connectivity to adjacent neighborhoods and the City core through improvements and enhancements to the City’s bike and pedestrian network of trails and dedicated bike routes.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative, no development would occur, either on the project site or elsewhere. It is assumed that other alternatives that involve development of the project site (the Existing General Plan and Site Reconfiguration Alternatives) would provide for connectivity to adjacent neighborhoods to a comparable degree to the proposed project, but the narrower range of land uses within these two alternative site plans would diminish opportunities for use of internal site connections as a means of reducing external trips. It is further assumed that the Alternative Locations Alternative would provide for connectivity of the three sites in question to the surrounding community, but the sites themselves would be separated from one another. Each of

the development alternatives would satisfy this objective to varying degrees that are specific to the development plan and/or locations in question, but none of the alternatives would satisfy this objective to the same level as the proposed project.

3. *Provide opportunities for physical improvement to public infrastructure such as public roadways, sidewalks, intersections, public transportation stops, and bike and pedestrian trails.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative, no development would occur, either on the project site or elsewhere. It is assumed that other alternatives that involve development of the project site (the Existing General Plan and Site Reconfiguration Alternatives) would provide for public infrastructure and access improvements to a comparable degree to the proposed project, but the narrower range of land uses within these two alternative site plans would diminish opportunities for use of internal site connections as a means of reducing external trips. It is further assumed that the Alternative Locations Alternative would provide for connectivity of the three sites in question to the surrounding community, but the sites themselves would be separated from one another. Neither the Existing General Plan nor Alternative Locations Alternatives would provide for a transit center at the project site. These development alternatives would satisfy this objective to varying degrees that are specific to the development plan and/or locations in question, but would not satisfy this objective to the same level as the proposed project. Because the Site Reconfiguration Alternative would develop a similar number of residential units and non-residential square footage as the proposed project, it is assumed that this alternative would achieve this object to a comparable degree as the project itself.

4. *Provide for diverse housing types in support of the City's goal for providing an inclusive multigenerational approach to residential development.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative, no development would occur, either on the project site or elsewhere. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses. This alternative would not integrate residential land uses on the project site. Buildout under the Existing General Plan would not satisfy this project objective. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, but would not involve the development of a single site and thus would achieve the land use synergy associated with the mixed use concept to a lesser degree than the proposed project. The Site Reconfiguration Alternative would contain a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating medium- and low-density residential development from the site. In this regard, the Site Reconfiguration Alternative would not provide a full range and mix of diverse housing types or a multi-generational approach to residential development, and thus would satisfy this objective to a lesser extent than the proposed project.

5. *Provide a sufficient number of new housing units to assist the City in satisfying its Regional Housing Needs Allocation (RHNA) obligation.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative, no development would occur, either on the project site or elsewhere. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses. This alternative would not integrate residential land uses on the project site, and thus would not provide new housing units in furtherance of the City's RHNA obligations. Buildout under the Existing General Plan would not satisfy this project objective. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, and would include a mix of residential products and densities. It would thus satisfy this objective to a similar degree as the project. The Site Reconfiguration Alternative would contain a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating low-density residential development from the site. In this regard, the Site Reconfiguration Alternative would not provide a full range and mix of land uses, and thus would satisfy this objective to a lesser extent than the proposed project.

6. *Provide for increased residential densities on a site within the City presently planned for urban growth with accessible infrastructure, in furtherance of growth policies identified in the Blueprint for Regional Growth prepared and adopted by the Sacramento Area Council of Governments (SACOG).*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative, no development would occur, either on the project site or elsewhere. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses. This alternative would not integrate residential land uses on the project site, and thus would not provide new housing units. Buildout under the Existing General Plan would not satisfy this project objective. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, and would include a mix of residential products and densities. However, two of the three sites (Nishi and Wildhorse Ranch) are designated as Agriculture under General Plan, and thus development under this alternative would not be on a site presently planned and designated for growth, as this objective requires. The Site Reconfiguration Alternative would contain a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating low-density residential development from the site. In this regard, the Site Reconfiguration Alternative would satisfy this objective to an equal or greater extent than the proposed project.

7. *Provide for a mix of housing densities and product types integrated into other land uses in a compact but logical manner.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative no development would occur either on the project site or elsewhere. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses. This alternative would not integrate residential land uses on the project site. Buildout under the Existing General Plan would not satisfy this project objective. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, but would not involve the development of a single site and thus would achieve the land use synergy associated with the mixed use concept to a lesser degree than the proposed project. The Site Reconfiguration Alternative would contain

a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating low-density residential development from the site. In this regard, the Site Reconfiguration Alternative would not provide a full range and mix of housing densities and residential product types, and thus would satisfy this objective to a lesser extent than the proposed project. The Site Reconfiguration Alternative represents a more compact plan of development on the same site as the project, but does not represent a logical plan of development to the same degree as the proposed project, due to the absence of a range and mix of densities and product types.

8. *Use park land and naturalized environments as the organizing element of the overall neighborhood development plan.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative, no development would occur either on the project site or elsewhere. No park area would be provided because the status quo on the site would be maintained. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses, but would not include park or recreation amenities, or naturalized environments for public use. The Alternative Locations Alternative would lack the ability to develop park facilities or recreational amenities to the same extent as development on the project site, because of the fragmented nature of this alternative, which proposes development on three parcels ranging between 25 and 44 acres in area. The Site Reconfiguration Alternative would provide a larger open space and greenbelt area compared to the proposed project, though developed park facilities would be slightly less. The Site Reconfiguration Alternative would thus achieve this project objective to an equal or greater extent compared to the project.

9. *Develop a unique and creative approach to sustainable neighborhood design by integrating environmental engineering and landscape architecture elements into a comprehensive neighborhood plan.*

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative no development would occur either on the project site or elsewhere. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses. This alternative would be unique, and would not integrate residential land uses on the project site or incorporate neighborhood design elements. Buildout under the Existing General Plan would not satisfy this project objective to any significant degree. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, but would not involve the development of a single site and thus would achieve the land use synergy associated with the mixed use concept to a lesser degree than the proposed project. The Site Reconfiguration Alternative would contain a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating low-density residential development from the site. In this regard, the Site Reconfiguration Alternative would not represent a neighborhood design concept to the same extent as the proposed project, and thus would not fully satisfy this objective. The Site Reconfiguration Alternative represents a more compact plan of development on the same site as the project, but does not represent a logical plan of development to the same degree as the proposed project, due to the absence of a range and

mix of densities and product types. It would be expected that under the Site Reconfiguration Alternative, environmental engineering and landscape architecture elements would be utilized to a similar extent to the project.

10. Provide an urban farm as a community asset and as a transition between urban uses and adjacent agricultural land.

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative no development would occur, either on the project site or elsewhere. No urban farm would be provided because the status quo on the site would be maintained. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses, but would not include an urban farm. The Alternative Locations Alternative would not include the development of an urban farm at any of the three sites in question. Accordingly, none of these alternatives would satisfy this project objective to any extent. The Site Reconfiguration Alternative would provide a larger urban farm area than the proposed project, and would thus achieve this project objective to an equal or greater extent compared to the project.

11. Provide for the adaptive reuse and redevelopment of a former industrial site located within the city limits.

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative no development would occur, either on the project site or elsewhere. Existing conditions on the project site would remain. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses, which would be a redevelopment of the project site. However, due to the absence of a mixed use component and continued industrial emphasis, it would not represent an adaptive reuse of the site. The Alternative Locations Alternative would locate development on three separate sites, only one of which (PG&E Service Center) is industrial. The other two sites comprising the Alternative Locations Alternative are designated for agricultural use. Accordingly, the ability of this alternative to satisfy this objective is greatly diminished compared to the project. The Site Reconfiguration Alternative would provide for a mix of uses on the project site, and thus would achieve this objective to a similar degree as the project.

12. Provide a sufficient number of residential units within the Project area to support necessary improvements to public facilities.

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative no development would occur, either on the project site or elsewhere. Existing conditions on the project site would remain. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses, but would not contain residential development. Therefore, this alternative would achieve this objective to a lesser extent than the proposed project. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, and would include a mix of residential products and densities. It would thus satisfy this objective to a similar degree as the project with respect to the areas surrounding the sites in question, but would not advance the objective of providing improvements to public facilities in the vicinity of the

project site. The Site Reconfiguration Alternative would contain a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating medium- and low-density residential development from the site. This would result in a lower tax base associated with this alternative compared to the project. In this regard, the Site Reconfiguration Alternative would satisfy this objective to a lesser extent than the proposed project.

13. Include a mix of land uses and facilities, which are fiscally feasible and implement funding mechanisms to maintain a neutral/positive fiscal impact to the City's general fund.

The No Project (No Build) Alternative would not satisfy this project objective, because under this alternative no development would occur, either on the project site or elsewhere. Buildout under the Existing General Plan would result in the development of 2.14 million square feet of light industrial uses. This alternative would not integrate other land uses on the project site, and thus would not constitute a mixed use development combining residential, employment and retail uses on the site. While business park uses on the site are likely to be fiscally neutral or positive to the City, buildout under the Existing General Plan would not satisfy this project objective. The Alternative Locations Alternative would develop a mix of land uses on three separate sites elsewhere in the City of Davis, but would not involve the development of a single site and thus would achieve the land use synergy associated with the mixed use concept to a lesser degree than the proposed project. The Site Reconfiguration Alternative would contain a mix of land uses similar to the proposed project, but would increase the amount of higher density residential units while eliminating medium- and low-density residential development from the site. In this regard, the Site Reconfiguration Alternative would not provide a full range and mix of land uses, and thus would satisfy this objective to a lesser extent than the proposed project. This would result in a lower tax base associated with this alternative compared to the project. In this regard, the Site Reconfiguration Alternative would satisfy this objective to a lesser extent than the proposed project.

For the reasons described above, neither the No Project (No Build) Alternative, the Buildout Under the Existing General Plan Alternative, the Alternative Locations Alternative, nor the Site Reconfiguration Alternative will achieve the project objectives (either in whole or in part) to the same extent or degree as the Project. Moreover, none of the alternatives (save for the No Project (No Build) Alternative) avoid or substantially reduce any of the significant and unavoidable impacts of the Project. For these reasons, and each of them independently, the City Council hereby rejects Alternatives 1, 2, 3 and 4 as infeasible.

D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Draft EIR concludes that the No Project (No Build) Alternative (Alternative 1) is the environmentally superior alternative. The No Project Alternative was determined to have less adverse environmental impacts than the originally proposed project on all issues overall. The No Project Alternative, however, would not meet any of the objectives of the project. Under CEQA Guidelines §15126.6(e)(2), if the environmentally superior alternative is the No Project Alternative, another environmentally superior alternative must be identified.

Table 5.0-2 of the Draft EIR presents a comparison of the alternative project impacts with those of the Project. As described on Table 5.0-2, the Site Reconfiguration Alternative is the environmentally superior alternative though, as described above, this alternative will not avoid or substantially reduce any of the significant and unavoidable impacts associated with the Project.

XI.

STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council has balanced the benefits of the Project against its unavoidable environmental risks in determining whether to approve the Project, and has determined that the benefits of the project outweigh the unavoidable adverse environmental effects. The reasons set forth below are based on the EIR and other information in the record. As set forth in the preceding sections, approving the Project will result in several significant adverse environmental effects that cannot be reduced to a less-than-significant level, even with the adoption of all feasible mitigation measures. (See section IX.B, *supra*.) As determined above, however, there are no additional feasible mitigation measures, nor are there feasible alternatives, that would mitigate or substantially lessen the impacts to a less-than-significant level. Therefore, despite these significant environmental effects, the City Council, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the Project because, in its judgment, the following economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings, as defined in section IV, above. Any one of the following reasons is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effects, thereby justifying approval of the Project.

1. ***The Cannery exceeds the city's policy for reducing Greenhouse Gas emissions.*** The City of Davis Climate Action and Adaptation Plan (D-CAAP) is intended to place the Davis community on a path to achieve the GHG reduction targets adopted by the City Council in 2008, which are intended to meet or surpass statewide reduction goals adopted under AB 32. These targets require new development to be at or below 1990 levels of greenhouse gas emissions on a per-unit basis. The Cannery will exceed the City's reduction goals for both residential and non-residential uses within the project, and thus will not have a significant impact on global climate change from GHG emissions.
2. **The Cannery exceeds City policy for energy efficiency.** The Cannery will incorporate energy efficiency measures well beyond the City's minimum requirement of the 2010 California Green Building Standards (Cal Green) Tier I Requirement. The Cannery will exceed California's 2008 Title 24 Energy Code by 40%, which is equivalent to 33% greater than 2010 Cal Green Tier II requirements. The Cannery will achieve this goal by implementing a wide variety of sustainability features for building design and construction, efficient lighting, heating and cooling, and other measures. The Cannery will incorporate 1.5kW photovoltaic systems on each single family residence and detached home. Photovoltaic systems will also serve mixed use areas, stacked flat

condominiums, HOA facilities and common area lighting. “Net-Zero” energy options will also be available.

- 3. The Cannery exceeds City policy supporting universal design and accessibility.** Home design at The Cannery will integrate principles of universal design, sustainability, and accessibility. To the extent feasible, residential design will address the City’s housing policy to support aging in place and the City’s proposed accessibility requirements for single-family homes. The Cannery offers many sizes, types, densities and styles of housing including ownership and rental housing, detached and attached homes in low, medium and high densities ranging from three to thirty units per acre.
- 4. Development of The Cannery is an adaptive reuse of a former industrial site that is consistent with the Housing Element Steering Committee recommendations.** As an infill project, The Cannery is an opportunity to advance the City’s goals for efficient and sustainable reuse of a previously developed industrial site. The level of residential development on The Cannery site is consistent with the guidance of the City’s Housing Element Steering Committee, which recommended between 500-776 units for the site. The Cannery project identifies 547 residential units and 40 accessory dwelling units, with a variety of product types and densities.
- 5. The Cannery is vital to the city meeting its RHNA obligations.** The Cannery serves the objective to provide a sufficient number of new housing units to assist the City in satisfying its Regional Housing Needs Allocation (RHNA) goals. The RHNA planning period is between January 1, 2013 to October 31, 2021, a period of almost 9 years. The total RHNA unit allocation of 1065 units during this period equates to approximately 118 units per year. This rate of residential growth is well within the 1% Growth Policy adopted by the City. Development of The Cannery as proposed will not cause the City to exceed either the 2013-2021 RHNA allocation of the City’s 1% Growth Policy. However, the project will in large measure satisfy the City’s RHNA obligations within the existing City limits, thereby reducing pressure for urban sprawl and conversion of agricultural land adjacent to the City.
- 6. The Cannery is designed as the city's first multigenerational neighborhood.** An objective of The Cannery is to provide for diverse housing types in support of the City’s goal for providing an inclusive multigenerational approach to residential development. The project is consistent with the City’s General Plan goals and policies regarding the provision of housing for people of all ages, income, lifestyles and types of households.
- 7. The Cannery's design significantly reduces vehicles miles traveled (VMT) by its mix of uses and walkability.** The Cannery emphasizes the creation of a broad range of transportation options for residents, in order to reduce vehicle miles traveled. The Cannery will provide convenient access to daily needs and services (i.e. commercial retail, restaurants, trails, park, employment uses) through extensive bicycle and pedestrian connectivity. The Cannery is designed to enable direct bicycle connections by linking to the City’s existing bicycle and pedestrian network. The Cannery maintains a pedestrian scale with distances among project uses short enough to easily walk or bike.

8. **The Cannery's design, mix of uses and densities are consistent with SACOG's MTP/SCS.** In 2008, the State Legislature adopted SB 375, which aligns transportation, housing and other land use planning activities to achieve GHG reductions required by AB 32. SB 375 is implemented on a regional level by the adoption of a Sustainable Communities Strategy, or SCS. SACOG's SCS was adopted in 2012. The Cannery is consistent with the SCS because it is a residential mixed-use project that will result in development of residential and employment uses within an established community. The Cannery will redevelop vacant land in a manner that represents compact and higher-density growth with quality design that enhances alternative modes of transportation. The Cannery will improve the jobs-housing balance in the City, and will develop housing in proximity to UC Davis, a designated employment center in the SCS.

9. **The Cannery is the first project in the region to qualify for and take advantage of the CEQA streamlining benefits provided under SB 375.** Projects such as The Cannery that are consistent with the SCS are eligible to take advantage of CEQA streamlining provisions under SB 375. With The Cannery, the City of Davis is the first municipality in the six-county SACOG region to implement the SB 375 CEQA streamlining program adopted by the state legislature. These benefits inure to projects where the combination of land uses, design features and proximity to transit will significantly reduce GHG emissions and thereby promote attainment of SCS goals.

10. **The Cannery will include an Urban Farm.** The Cannery includes a 7.4-acre urban farm along the eastern edge. The community farm is designed to incorporate compatible agricultural production into the design of the neighborhood to increase direct contact with the local food system while supporting the new generation of farmers. The concept calls for the urban farm to be improved by the project developer and deeded to the city for lease to a nonprofit organization.

As explained earlier, the City Council has balanced these benefits and considerations against the significant unavoidable adverse environmental effects of the Project. The City Council hereby concludes that those impacts are outweighed by these benefits, among others. After balancing the environmental risks against Project benefits, the City concludes that the benefits the City's community, economy, and tax and revenue base will derive from the Project outweigh the risks. The City believes that the Project benefits outlined above outweigh the significant and unavoidable environmental costs associated with the Project.

XII.

ABSENCE OF SIGNIFICANT NEW INFORMATION; RECIRCULATION NOT REQUIRED

CEQA Guidelines § 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to

implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

These examples are now reflected in §15088.5 of the CEQA Guidelines. In this case, the “new” information reflecting the Project, as revised in the manner described in the Final EIR, does not show a new substantial environmental impact or a substantial increase in the severity of an environmental impact previously identified. Indeed, many of the Project’s impacts are less than those associated with the Project as originally proposed in the NOP and reviewed in the Draft EIR. Also, the information updated in response to the Project’s revisions do not demonstrate that there is a feasible alternative or mitigation measure considerably different from the alternatives and mitigation measures evaluated in the Draft EIR which the applicant has not agreed to implement that would clearly reduce environmental impacts. Finally, the fourth example of a circumstance in which recirculation is required, as interpreted by case law, applies only in unusual situations where an entire section on basic and critical analysis was omitted from the Draft EIR. Here, the EIR contains a thorough evaluation of all the potentially significant impacts. The impact discussion represents a conservative analysis of the Project’s environmental impacts in that it overstates the impacts of the Project, which is less intensive than as originally proposed. The Project will not result in any new significant impacts and, in some cases (as with noise from transportation sources), will reduce the significant impacts identified in the Draft EIR without the need for mitigation. Accordingly, recirculation is not required (Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5; *Laurel Heights Improvement Assn. of San Francisco, Inc. v. Regents of the Univ. of Cal.*(1993) 6 Cal.4th 1112, 1130 (*Laurel Heights II*)).

XIII. **SUMMARY**

Having received, reviewed and considered the Final EIR and other information in the record of proceedings, the City hereby adopts the foregoing Findings in compliance with CEQA and the CEQA Guidelines. The City certifies that these Findings are based upon full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings that concern the environmental issues identified and discussed in the Final EIR. The City Council hereby certifies as follows:

1. That it has been presented with the Final EIR and that it has reviewed and considered the information in the Final EIR prior to making the foregoing Findings;

2. That, pursuant to CEQA Guidelines §15090, the Final EIR has been completed in compliance with CEQA, and
3. That the Final EIR reflects the independent judgment and analysis of the City Council.

Based on the foregoing Findings and the information contained in the record, the City Council has made one or more of the following Findings with respect to each of the significant environmental effects of the Cannery Project:

1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the EIR. CEQA Guidelines §15091(a)(1)
2. To the extent that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City, those changes or alterations have been, or can and should be, adopted by that other agency. CEQA Guidelines §15091(a)(2)
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. CEQA Guidelines §15091(a)(3)

Based on the foregoing Findings and the information contained in the record, it is determined that:

1. All significant effects on the environment due to the approval of the Cannery Project have been eliminated or substantially lessened where feasible; and
2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section XI, above.

EXHIBIT 1: TABLE OF IMPACTS, MITIGATION MEASURES AND CEQA FINDINGS OF FACT

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT	RATIONALE AND SUPPORTING EXPLANATION
<p>Impact 3.1-1: Potential to result in substantial adverse effects on scenic vistas or substantially damage scenic resources within a State Scenic Highway (No Impact)</p>	<p>No Impact, no mitigation required</p>	<p>No Impact</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>There are no established scenic vistas or scenic highways on or adjacent to the project site. See Draft EIR p. 3.1-5</p>
<p>Impact 3.1-2: Potential to substantially degrade the existing visual character or quality of the site and its surroundings (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>While project development would alter the existing visual character of the site, these changes would not degrade visual quality of the site surrounding areas. Project design guidelines would result in a project that is cohesive and visually pleasing. See Draft EIR p. 3.1-6 through 3.1-8.</p>
<p>Impact 3.1-3: Project implementation may result in light and glare impacts (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.1-1: In order to reduce the potential for glare from buildings and structures within the project site, the Design Guidelines developed for the project shall prohibit the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site. The City of Davis Department of Community Development and Sustainability shall be responsible for ensuring that the approved project has adequate measures in place to prohibit the use of reflective building materials that may cause a glare nuisance to off-site receptors. Mitigation Measure 3.1-2: In order to reduce potential for nighttime lighting impacts, the project applicant shall prepare and submit a detailed lighting plan for review and approval by the City of Davis Community Development and Sustainability and Public Works Departments. The lighting plan shall include</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the</p>	<p>Implementation of Mitigation Measure 3.1-1 would reduce the potential for glare and eliminate light spillage onto adjacent properties and reduce “dark sky” impacts. See Draft EIR pp. 3.1-9 through 3.1-10.</p>

<p>Impact 3.2-1: Project implementation may result in the conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to nonagricultural uses (Less than Significant)</p>	<p><i>standards for street lighting and for all exterior light fixtures in public, mixed-use, and multi-family areas of the project site. The lighting plan shall comply with Chapter 8 of the Davis Municipal Code- Article 8.171: Outdoor Lighting Control. The lighting plan may be included in the project's Design Guidelines, or may be submitted as a stand-alone document. The lighting plan shall be approved by the City of Davis Community Development and Sustainability and Public Works Departments prior to issuance of the first building permit, and shall apply to all phases of project development.</i></p> <p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>The project site is not zoned or designated for agricultural use, and is the site of a former cannery, an industrial use. See Draft EIR at pp. 3.2-11 through 3.2-12.</p>
<p>Impact 3.2-2: Project implementation may conflict with existing zoning for agricultural use or a Williamson Act Contract or otherwise result in land use conflicts with adjacent agricultural lands (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.2-1: Agricultural activities on the urban farm shall comply with the following measures:</p> <ol style="list-style-type: none"> 1. <i>Organic farming practices and the use of "organic" pesticides and fertilizers are encouraged. Pesticide application shall be in accordance with all applicable regulations. Pesticides shall be applied by hand pump equipment, small tractor-pulled sprayers, or by hand-held applicators (backpack sprayers). Pesticides shall not be applied by aerial spraying, or when air movement could cause offsite drift.</i> 2. <i>Soil tilling, earth moving, and fertilizer and pesticide application shall not be permitted when wind conditions would result in offsite drift of fugitive dust, fertilizer or pesticides.</i> 3. <i>Application of organic fertilizer (manure or compost), if used, shall be performed in a manner that minimizes significant odor impacts on nearby residential parcels.</i> 4. <i>The use of mechanical equipment for agricultural purposes shall be limited to between the hours of 6:00 a.m. to 10:00 p.m.</i> 5. <i>Agricultural areas shall be maintained to provide drainage and minimize the collection of standing surface water.</i> 6. <i>Commercial composting of materials (composting for sale of compost material for use off-site) shall be prohibited.</i> <p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Implementation of Mitigation Measure 3.2-1 will address potential land use incompatibilities associated with the urban farm being conducted in relative proximity to urban uses. See Draft EIR at pp. 3.2-12 through 3.2-13.</p>
<p>Impact 3.2-3: Project implementation may lead to the indirect conversion of adjacent agricultural lands to</p>	<p>Less than Significant</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant</p>	<p>The project will not lead to the direct or indirect conversion of adjacent agricultural</p>

<p>nonagricultural uses (Less than Significant)</p>			<p>(Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>lands; such lands are outside the City's jurisdiction, and development would require annexation approval and ratification by City voters under Measure J/R. See Draft EIR at pp. 3.2-14 through 3.2-17.</p>
<p>Impact 3.2-4: Project implementation may result in the conversion of forest lands or timber lands, nor would it result in conflicts with forest or timber zoning (No Impact)</p>	<p>No Impact, no mitigation required</p>	<p>No Impact</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The project site does not contain commercial timber resources. See Draft EIR at p. 3.2-17.</p>
<p>Impact 3.3-1: Operation of the project may cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation (Significant and Unavoidable)</p>	<p>Mitigation Measure 3.3-1: <i>In conjunction with the project's Sustainability Plan, the project applicant shall incorporate green building designs into the residential and commercial components of the project to help offset area source emissions. Such green building designs will reduce area source emissions by using energy more efficiently and reducing the use of non-renewable energy resources. The Yolo-Solano AQMD suggests the following as potential green building measures:</i></p> <ul style="list-style-type: none"> • <i>Duct system within the building thermal envelope, or insulated to R-8</i> • <i>Passive cooling strategies including passive or fan-aided cooling planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes</i> • <i>Outdoor lighting designed for high efficiency, solar-powered or controlled by motion detectors</i> • <i>Natural lighting in buildings</i> • <i>Building siting and orientation to reduce energy use</i> • <i>Summer shading and wind protection measures to increase energy efficiency</i> • <i>Use of concrete or other non-polluting materials for parking lots instead of asphalt</i> • <i>Use of landscaping to shade buildings and parking lots</i> 	<p>Significant and Unavoidable despite the application of all feasible mitigation.</p>	<p>Implementation of the identified mitigation measures will reduce this impact, but not to a less than significant level. While the City of Davis hereby adopts these mitigation measures, impacts will remain significant and unavoidable. The City of Davis hereby concludes that the impact is acceptable in light of the Project's benefits as set forth in the Statement of Overriding Considerations. (CEQA Guidelines §15091(a)(3)).</p>	<p>The YSAQMD has established operational thresholds of significant for identified criteria pollutants. Although Mitigation Measures 3.3-1, 3.3-2 and 3.3-4 will reduce operational emissions associated with the project, the reductions achieved by these measures and the project's design features will not bring emissions below the thresholds of significance for ROG, NOx or PM₁₀. No other feasible mitigation measures are available. See Draft EIR pp. 3.3-17 through 3.3-21.</p>

	<ul style="list-style-type: none"> • Use of photovoltaic and/or wind generators • Installation of energy efficient appliances and lighting • Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals <p>The Sustainability Plan shall be reviewed and approved by the City of Davis Community Development and Sustainability Department prior to issuance of the first residential building permit.</p> <p>Mitigation Measure 3.3-2: Prior to the approval of the Final Map, or as a condition of Final Map approval, the project applicant shall incorporate design measures that function to reduce vehicle emissions by increasing the use of alternative modes of transportation. The Yolo-Solano AQMD suggests the following as potential design measures:</p> <ul style="list-style-type: none"> • Street trees • Direct pedestrian connections • Zero building setbacks • Pedestrian signalization and signage • Street furniture and artwork • Street lighting • Availability of bicycle parking • Design safe routes to schools • Ensure that infrastructure is provided to accommodate transit. This may include: <ul style="list-style-type: none"> ○ Transit route signs and displays ○ Transit stop amenities ○ Bus turnouts and bulbs • Design building elevations maximizing visual interest for pedestrians. <p>Mitigation Measure 3.3-4: Wood-burning fireplaces shall be prohibited within the proposed project site.</p>	<p>Impact 3.3-2: Construction activities may result in temporary air quality impacts (Less than</p>
	<p>Less than Significant</p>	<p>Mitigation Measure 3.3-3: The project applicant shall implement the following dust control measures during all construction activities. These measures shall be a condition of the grading permit.</p>
	<p>Implementation of the identified mitigation measures will reduce this impact to a less than</p>	<p>Implementation of Mitigation Measure 3.3-3 would reduce project-related construction</p>

<p>Significant with Mitigation)</p>	<ul style="list-style-type: none"> • <i>Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.</i> • <i>Haul trucks shall maintain at least 2 feet of freeboard.</i> • <i>Cover all trucks hauling dirt, sand, or loose materials.</i> • <i>Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.</i> • <i>Sweep streets if visible soil material is carried out from the construction site.</i> • <i>Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.</i> • <i>All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer onsite a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecasted to be greater than 15 mph.</i> 	<p>significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>emissions to below the threshold levels adopted by the YSAQMD. See Draft EIR at p. 3.3-21.</p>
<p>Impact 3.3-3: Project implementation may result in carbon monoxide hotspot impacts (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Traffic conditions associated with project development do not have the potential to result in CO "hotspots" in surrounding areas. See Draft EIR p. 3.3-22.</p>
<p>Impact 3.3-4: Project implementation may result in land use conflicts that could expose sensitive receptors to harmful pollutant concentrations (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>The project does not include any land uses that would be major sources of toxic air contaminants (TACs), and is not located near any existing major sources of TACs. See Draft EIR pp. 3.3-23 through 3.3-24.</p>

<p>Impact 3.3-5: Project implementation may result in the generation of objectionable odors (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Project land uses will not create objectionable odors to a significant degree. Impacts from on-site and off-site agricultural operations will be mitigated by operational restrictions (on-site) and through adequate buffers (off-site). See Draft EIR p. 3.3-26.</p>
<p>Impact 3.3-6: Project implementation may result in cumulative air quality impacts (Cumulatively Considerable for operational impacts)</p>	<p>See Mitigation Measures 3.3-1 through 3.3-4</p>	<p>Significant and Unavoidable despite the application of all feasible mitigation.</p>	<p>Implementation of the identified mitigation measures will reduce this impact, but not to a level less than significant. While the City of Davis hereby adopts these mitigation measures, impacts will remain significant and unavoidable. The City of Davis hereby concludes that the impact is acceptable in light of the Project's benefits as set forth in the Statement of Overriding Considerations. (CEQA Guidelines §15091(a)(3)).</p>	<p>Individually, the project was determined to have a significant and unavoidable impact relative to operational admissions. As such, the project would have a cumulatively considerable impact on operational emissions. At the same time, the project has been determined to be consistent with SACOG's adopted Sustainable Community Strategy. See Draft EIR p. 3.3-27.</p>
<p>Impact 3.4-1: Project implementation may result in direct or indirect effects on special status invertebrate species (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3),</p>	<p>The project site and off-site improvement areas do not provide the necessary habitat to support special status invertebrates. No sex species were observed within the</p>

<p>project site or off-site improvement areas during field surveys. See Draft EIR at p. 3.4-16.</p>	<p>The offsite improvements site provides limited habitat within the F Street Channel for western pond turtle and giant garter snake. Neither species was encountered during the field survey. Nevertheless, the proposed project would impact approximately 500 sq. ft. of potential aquatic habitat for these species. This is a potentially significant impact.</p> <p>Implementation of Mitigation Measures 3.4-1 and 3.4-2 would ensure that the proposed project would have a less than significant impact on these species. See Draft EIR p. 3.4-17 through 3.4-19.</p>	<p>15091)</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Less than Significant</p>	<p>Mitigation Measure 3.4-1: The project proponent shall implement the following measures to protect western pond turtle:</p> <ul style="list-style-type: none"> A qualified biologist shall conduct a pre-construction survey no more than 24 hours before the start of construction activities within and immediately adjacent to F Street Channel. If a western pond turtle is found within the construction area, the qualified biologist shall halt construction and immediately report the occurrence to the City. The qualified biologist shall relocate the western pond turtle to the nearest safe location as determined by the California Department of Fish and Wildlife, City staff, and a qualified biologist. Construction personnel performing activities within and immediately adjacent to the F Street Channel shall receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection. Construction personnel shall observe a 15 mph speed limit on unpaved roads within and immediately adjacent to the F Street Channel. Before operating equipment within and immediately adjacent to the F Street Channel, workers shall check for western pond turtle underneath equipment that has remained in one location for 15 minutes. If a western pond turtle is found, the worker shall halt construction activities, and immediately report the occurrence to the qualified biologist and City staff. The qualified biologist shall relocate the western pond turtle to the nearest safe location as determined by the California Department of Fish and Wildlife, City staff and a qualified biologist. <p>Mitigation Measure 3.4-2: The project proponent shall consult with the USFWS for a biological opinion regarding the potential for the project to impact giant garter snake habitat. If the USFWS determines that giant garter snake may be potentially affected by project construction, the project proponent shall obtain an incidental take permit from the USFWS and implement the minimization guidelines for giant garter snake as follows:</p> <ul style="list-style-type: none"> Construction activity, including grading, earth 	<p>Impact 3.4-2: Project implementation may result in direct or indirect effects on special-status reptile and amphibian species (Less than Significant with Mitigation)</p>
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<p>Impact 3.4-3: Project implementation may result in direct or indirect effects on special status fish species (No Impact)</p>	<p>movement, trenching, installation of underground utilities, pouring concrete, and paving, within and immediately adjacent to the F Street Channel shall be conducted between May 1 and October 1, the active period for giant garter snake.</p> <ul style="list-style-type: none"> • Movement of heavy equipment within and immediately adjacent to the F Street Channel shall be confined to the area requiring the improvements to the maximum extent possible. In accordance with Mitigation Measure 3.4-8, all areas within the F Street Channel that do not require improvements shall have orange construction barrier fencing at the limits of the area needed for construction improvements and the contractor shall take measures to ensure that the Contractor's forces do not enter or disturb the areas that do not require improvements. • Construction personnel shall receive USFWS-approved worker environmental awareness training to instruct workers to recognize giant garter snake and their habitats. • Within 24 hours prior to construction activities, the project area shall be surveyed for giant garter snake. The survey will be repeated if a lapse in construction activity of two weeks or greater has occurred. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it is determined by the qualified biologist and City staff, in coordination with the U.S. Fish and Wildlife Service and Department of Fish and Wildlife, that the giant garter snake will not be harmed. Any sightings or incidental take will be reported to the U.S. Fish and Wildlife Service and Department of Fish and Wildlife immediately. <p>If flows are present in the F Street Channel at the time of construction, the portion of the channel affected by construction shall be dewatered for at least 15 consecutive days prior to the start of construction.</p>	<p>No Impact</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The project site and off-site improvement areas do not provide the necessary habitat to support any special-status fish. See Draft EIR at p. 3.4-20.</p>
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<p>Impact 3.4-4: Project implementation may result in direct or indirect effects on special-status bird species (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.4-3: No less than 14 days prior to initiating ground disturbance activities, the project proponent shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012 Department of Fish and Wildlife "Staff Report on Burrowing Owl Mitigation." Implementation of avoidance and minimization measures (as presented in the March 7, 2012 Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities will occur. If needed, the development of avoidance and minimization approaches shall be developed in coordination with the California Department of Fish and Wildlife.</p> <p>Mitigation Measure 3.4-4: Up to thirty days prior to the commencement of construction during raptor breeding season, the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting raptors. In the event that nesting raptors are found on the project site, offsite improvements site, or the immediate vicinity, the project proponent shall consult with the CDFW and obtain an incidental take permit from the CDFW pursuant to section 2081(b) of the Fish and Wildlife Code. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project proponent shall:</p> <ul style="list-style-type: none"> o Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City and CDFW; o A no-disturbance buffer of 250 feet shall be established; o On-going weekly surveys during raptor breeding season shall be conducted to ensure that the no disturbance buffer is maintained. Construction can resume when a qualified biologist has confirmed that the birds have fledged. <p>In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW. The qualified biologist shall coordinate with the CDFW to have the injured raptor either transferred to a raptor recovery center or, in the case of mortality, transfer it to the CDFW within 48 hours of notification. If directed/authorized by the CDFW during the notification, the qualified biologist may transfer the injured raptors to a raptor recovery center.</p> <p>Mitigation Measure 3.4-5: Prior to the commencement of construction, the project proponent shall pay mitigation fees or provide compensatory mitigation for Swainson's hawk foraging</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>The northern portion of the project site provides appropriate ground nesting habitat for a variety of birds, including burrowing owl. Implementation of Mitigation Measure 3.4-3 would reduce the impacts on the burrowing owl to a less than significant level. The project site and offsite improvements site contains trees that nesting opportunities for a variety of birds, including: Swainson's hawk and white-tailed kite, among other protected bird species. The project would require permanent disturbance to trees, including an abandoned nest. Implementation of Mitigation Measure 3.4-4 would reduce the impact to a less than significant level. The offsite improvements site provides some potential nesting habitat for Swainson's hawk, but lacks foraging habitat. The northern portion of the project site (48.6 acres) provides appropriate foraging habitat for a variety of special status birds, including</p>
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<p>Impact 3.4-5: Project implementation may result in direct or indirect effects on special-status mammal species (Less than Significant with Mitigation)</p>	<p>habitat to the Yolo County HCP/NCCP Joint Powers Agency's (JPA) in accordance with their Swainson's Hawk Interim Mitigation Program, for the permanent loss of Swainson's hawk foraging habitat. This program currently requires compensation at a 1:1 ratio, and projects with impacts over 40 acres are required to provide the conservation land directly to the Yolo County JPA, while projects with impacts that are less than 40 acres may pay mitigation fees or provide compensatory mitigation land. If the project is constructed after adoption of the Yolo Natural Heritage Program, the project proponent shall comply with all requirements of the Yolo Natural Heritage Program.</p>			<p>Swainson's hawk, which would be impacted by development. Implementation of Mitigation Measure 3.4-5 would ensure that this impact is reduced to a less than significant level. See Draft EIR pp. 3.4-20 through 3.4-25.</p>
<p>Impact 3.4-6: Project implementation may result in direct or indirect effects on special-status mammal species (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.4-6: No more than thirty days prior to the commencement of construction, the project proponent shall retain a qualified biologist to perform preconstruction surveys for protected mammals including the Pallid bat, the Silver-haired bat, the Hoary bat, and the American Badger. In the event that protected mammals are found on the project site, offsite improvements site, or the immediate vicinity, the project proponent shall consult with the CDFW and obtain an authorization in accordance with the regulations protecting such species.</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>The project site and offsite improvements site provides foraging and roosting habitat for three special status bat species, although none were observed during field surveys. The project would require permanent disturbance to the foraging and roosting habitat. This is a potentially significant impact. Implementation of Mitigation Measure 3.4-6 would reduce the impact to a less than significant level. See Draft EIR pp. 3.4-25 through 3.4-26.</p>
<p>Impact 3.4-6: Project implementation may result directly or indirectly affects on candidate, sensitive, or special status plant species (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>No special-status plants were observed within the project site or offsite improvements site during field surveys. As such, the project would have a less than significant impact on special status plant species. See Draft EIR pp. 3.4-</p>

<p>Impact 3.4-7: Project implementation may result in direct or indirect adverse effects on riparian habitat or a sensitive natural community (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.4-7: During the design of improvement plans, the project proponent shall design the offsite improvements to avoid and minimize impacts on riparian habitat to the extent possible. The project plans shall include provisions to restore riparian habitat in all areas of temporary disturbance upon completion of the offsite improvement. For areas that require permanent disturbance for the offsite improvement, the project applicant shall mitigate the loss by preparing a restoration plan, in coordination with the City of Davis and California Department of Fish and Wildlife, that includes restoring riparian habitat along F Street Channel (or another location if deemed appropriate by the City of Davis and the California Department of Fish and Wildlife) at a 3:1 ratio. The habitat restoration plans shall be approved by the California Department of Fish and Wildlife.</p> <p>Mitigation Measure 3.4-8: Install orange construction barrier fencing at the limits of the area needed to construct improvements through the riparian habitat along F Street Channel to identify environmentally sensitive areas around the riparian habitat. Before construction, the contractor shall work with the Davis Department of Public Works, the City's Wildlife Resource Specialist, and a qualified biologist to identify the locations for the barrier fencing, and shall place stakes around the sensitive area to indicate these locations. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:</p> <ul style="list-style-type: none"> The Contractor's attention is directed to the areas designated as "environmentally sensitive areas." These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City of Davis. The Contractor shall take measures to ensure that Contractor's forces do not enter or disturb these areas, including giving written notice to employees and subcontractors. <p>Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the Resident Engineer. The fencing shall be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing shall be tightly strung on posts with a maximum 10-foot spacing.</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. Therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>26 through 3.4-27.</p> <p>The offsite improvements site contains riparian habitat along the F Street Channel. Construction of the storm drainage outfall, two storm drainage monitoring gauges, EVA, and bike path will require temporary disturbance associated with vehicle and equipment access and permanent disturbance associated with the improvement. Implementation of Mitigation Measures 3.4-7 and 3.4-8 would ensure that the project would have a less than significant impact on riparian habitat. See Draft EIR pp. 3.4-27 through 3.4-28.</p>
<p>Impact 3.4-8: Project</p>	<p>Mitigation Measure 3.4-9: Prior to any activities that would</p>	<p>Less than</p>	<p>Implementation of</p>	<p>The construction of</p>

<p>implementation may result in effects on protected wetlands and jurisdictional waters (Less than Significant with Mitigation)</p>	<p>result in discharge, fill, removal, or hydrologic interruption of the 1.24-acre wetland area located on the eastern side of the project site, the project proponent shall consult with RWQCB to determine if the activities are subject to their jurisdiction and permit requirements (i.e. RWQCB Waste Discharge Permit). If the RWQCB determines that the project activities are subject to their regulations, the project proponent shall secure an authorization of the activities through the appropriate regulatory permits.</p> <p>Mitigation Measure 3.4-10: The project proponent shall secure an authorization of activities that would result in discharge, fill, removal, or hydrologic interruption to F Street Channel as a result of the Storm Drain Outfall and monitoring gage stations project activities. It is anticipated that the project will qualify for a Section 404 Nationwide Permit 7, which will require the project proponent to submit a Preconstruction Notification and comply with all Nationwide Permit General Conditions and Sacramento District Regional Conditions as applicable. Additionally, the project proponent will be required to obtain a Section 401 Water Quality Certification from the RWQCB.</p> <p>Mitigation Measure 3.4-11: Prior to any activities that would result in discharge, fill, removal, or hydrologic interruption of the potential jurisdictional water located at the Storm Drain Outfall site and the monitoring gage stations sites (F Street Channel), the project proponent shall consult with RWQCB to determine if the activities are subject to their jurisdiction and permit requirements (i.e. RWQCB Waste Discharge Permit or NPDES permit). If the RWQCB determines that the project activities are subject to their regulations, the project proponent shall secure an authorization of the activities through the appropriate regulatory permits.</p>	<p>Significant</p>	<p>the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>the storm drainage outfall and the monitoring gage stations in the F Street Channel would have a potentially significant impact on federal jurisdictional waters. Implementation of Mitigation Measures 3.4-9, 3.4-10 and 3.4-11 would ensure that the project would have a less than significant impact on federal jurisdictional areas on the offsite improvements site. See Draft EIR pp. 3.4-29 through 3.4-32.</p>
<p>Impact 3.4-9: Project implementation may result in interference with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Neither a CNDDB record search or field surveys revealed any wildlife corridors or wildlife nursery sites on or adjacent to the project site or offsite improvements site. See Draft EIR p. 3.4-32.</p>
<p>Impact 3.4-10: Project implementation may result in conflicts with an adopted habitat conservation plan, natural community conservation plan, recovery</p>	<p>Mitigation Measure 3.4-12: Prior to the commencement of construction, the project proponent shall retain a qualified arborist to perform preconstruction surveys of the project site and offsite improvements site. The Initial Arborist Report and Tree Inventory (April 2012) shall be updated based on subdivision maps, grading plans, improvement plans, and building plans to</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The</p>	<p>Removal or modification of any tree on the project site or offsite improvements site is subject to the Tree</p>

<p>plan, or local policies or ordinances protecting biological resources (Less than Significant with Mitigation)</p>	<p><i>detail the trees to be preserved and removed. The arborist shall include a Tree Protection Plan that illustrates the grading/improvement plans with the trees plotted on the plans. Compliance with the Tree Protection Plan shall be required before and during any site disturbance and construction activity and prior to issuance of building permits. A Tree Modification Permit shall be submitted to the City for any proposed removal of a tree. Mitigation shall be implemented in accordance with the Davis Municipal Code Chapter 37 Tree Planting, Preservation, and Protection, and may include tree replacement or a combination of tree replacement and payment of fees.</i></p>	<p>Less than Significant</p>	<p>City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Ordinance. Implementation of Mitigation Measure 3.4-12 and related project conditions of approval would ensure that any potential for conflict is reduced to a less than significant level. See, e.g. Draft EIR at pp. 3.4-33 through 3.4-36.</p>
<p>Impact 3.5-1: Project implementation may cause a substantial adverse change to a significant historical or archaeological resource, or directly or indirectly destroy or disturb a unique paleontological resource or human remains (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.5-1: <i>If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.</i></p> <ul style="list-style-type: none"> - <i>If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.</i> <ul style="list-style-type: none"> - <i>If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</i> <p><i>If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.</i></p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>There are no known cultural, historical, archaeological or paleontological resources on the project site. However, as with most projects that involve ground disturbing activities, there is the potential for discovery of a previously unknown cultural and historical resource. The implementation of Mitigation Measure 3.5-1 would ensure that this potential impact is less than significant. See Draft EIR at pp. 3.5-11 through 3.5-12.</p>
<p>Impact 3.6-1: The proposed project may expose people</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than</p>	<p>Under CEQA, no mitigation is required</p>	<p>The project will implement all seismic</p>

<p>or structures to potential substantial adverse effects involving strong seismic ground shaking or seismic related ground failure (Less than Significant)</p>	<p>Impact 3.6-2: Implementation and construction of the proposed project may result in substantial soil erosion or the loss of topsoil (Less than Significant with Mitigation)</p>	<p>Significant</p>	<p>for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>design standards in the California Building Code. See Draft EIR at p. 3.6-14.</p>
<p>Impact 3.6-2: Implementation and construction of the proposed project may result in substantial soil erosion or the loss of topsoil (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.6-1: Prior to the issuance of a grading permit, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Davis and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</p> <p>Mitigation Measure 3.6-2: Prior to the issuance of a building permit, the project proponent shall document to the satisfaction of the City of Davis that at least 85 to 90 percent of annual average stormwater runoff from the project site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to provide water quality treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. Roofs shall be designed with down spouting into landscaped areas, bubbleups, or trenches. Driveways should be curbed into landscaping so runoff drains first into the landscaping.</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Mitigation Measure 3.6-1 requires an approved Storm Water Pollution Prevention Plan (SWPPP) that includes best management practices for grading, and preservation of topsoil. The SWPPP will be designed to control storm water quality degradation to the extent practicable using best management practices during and after construction.</p> <p>Mitigation Measure 3.6-2 requires the project to incorporate design measures that treat 85-90 percent of annual average stormwater runoff in accordance with the standards of the California Stormwater Best Management Practice New Development and Redevelopment Handbook. This includes the drainage surfaces from all paved streets, parking lots, driveways, and roofs, as well as landscaping.</p>

<p>With the implementation of these mitigation measures, the project would have a less than significant impact. See Draft EIR pp. 3.6-15 through 3.6-16.</p>				
<p>Mitigation Measure 3.6-3 provides the requirement for a final geotechnical evaluation in accordance with the recommendations of the planning-level geotechnical evaluation. With the implementation of this mitigation measure the project would have a less than significant impact relative to expansive soils.</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Less than Significant</p>	<p>Mitigation Measure 3.6-3: <i>Prior to grading, a certified geotechnical engineer shall be retained to perform a final geotechnical evaluation of the soils at a design-level. The grading and improvement plans, as well as the building plans shall be designed in accordance with the recommendations provided in the final geotechnical evaluation. Final geotechnical design shall be developed by a geotechnical engineer in accordance with the California Building Code, and subject to review and approval by the Department of Community Development and Sustainability.</i></p>	<p>Impact 3.6-3: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse (Less than Significant with Mitigation)</p>
<p>Mitigation Measure 3.6-3 provides the requirement for a final geotechnical evaluation in accordance with the recommendations of the planning-level geotechnical evaluation. With the implementation of this mitigation measure the project would have a less than significant impact relative to expansive soils. See</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant</p>	<p>Less than Significant</p>	<p>See Mitigation Measure 3.6-3</p>	<p>Impact 3.6-4: The proposed project would be located on expansive soil creating substantial risks to life or property (Less than Significant with Mitigation)</p>

<p>Impact 3.6-5: Potential to result in the loss of availability of a mineral resource of value to the region or state, or a locally-important mineral resource recovery site (No Impact)</p>	<p>No Impact, no mitigation required</p>	<p>environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Draft EIR at p. 3.6-18.</p>
<p>Impact 3.6-5: Potential to result in the loss of availability of a mineral resource of value to the region or state, or a locally-important mineral resource recovery site (No Impact)</p>	<p>No Impact</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The proposed project will not affect a mineral resource recovery site or result in the loss of availability of a mineral resource. See Draft EIR at p. 3.6-18.</p>
<p>Impact 3.7-1: The residential components of the proposed project may generate GHGs, either directly or indirectly, that may have a significant effect on the environment (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.7-1: Prior to the issuance of building permits, the project applicant shall finalize the residential GHG emissions reduction plan and submit the plan to the Department of Community Development and Sustainability for review and approval. The residential GHG reduction plan should include the measures identified in Table 3.7-6. If alternative measures are selected for implementation, the applicant must verify, to the satisfaction of the Department of Community Development and Sustainability, that the residential GHG reduction plan will result in a total reduction of 1,188 metric tons of CO₂e, or greater, when compared to the baseline level of 3,256 metric tons.</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>
<p>Impact 3.7-2: The nonresidential components of the proposed project may generate GHGs, either directly or indirectly, that may have a significant effect on the environment (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>The project will exceed the City of Davis requirements for residential GHG reduction. See Draft EIR p. 3.7-19 through 3.7-23.</p>
<p>Impact 3.7-2: The nonresidential components of the proposed project may generate GHGs, either directly or indirectly, that may have a significant effect on the environment (Less than Significant)</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Non-residential development in the project will be below 1990 baseline levels for GHG emissions. See Draft EIR at pp. 3.7-23 through 3.7-24.</p>

<p>Impact 3.7-3: The proposed project may conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Less than Significant with Mitigation)</p>	<p>See Mitigation Measure 3.7-1</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>SACOG and the City of Davis have taken significant steps towards the reduction of GHGs in the region and within the City of Davis through the adoption of General Plan policies, the D-CAAP, and the SCS. As demonstrated in the analysis in the Draft EIR, the project is consistent with these adopted plans, and would assist the City and SACOG in achieving their adopted GHG reduction targets. See Draft EIR at pp. 3.7-25 through 3.7-32.</p>
<p>Impact 3.8-1: The project may have the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.8-1: Prior to commencement of grading, the applicant shall submit a Soil Management Plan (SMP) for review and approval by the City. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these materials if encountered. The city will approve the SMP prior to any earth moving. Mitigation Measure 3.8-2: Prior to the issuance of grading permits, the applicant shall confirm that all remnant concrete foundations, to the extent they are not suitable for on-site recycling and reuse, will be removed, transported, and disposed of in accordance with environmental regulations and the specifications contained in the 2006 Specifications for Site Demolition Report (GeoTrans, 2006) and shall provide the City with the appropriate documentation. Mitigation Measure 3.8-3: Prior to commencement of farming activities on the project site, the applicant and/or the urban farm operator shall submit a Hazardous Materials Business Emergency Response Plan to the Yolo County Agriculture Department for review and approval.</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>The urban farm may use and store certain potentially hazardous materials such as fuel and fertilizers. Mitigation Measure 3.8-3 requires the operator of the urban farm to prepare and submit a Hazardous Materials Business Emergency Response Plan to the Yolo County Agriculture Department. Implementation of this mitigation measure would reduce this impact to a less than significant level. See Draft EIR 3.8-24 through 3.8-27.</p>

<p>Impact 3.8-2: The project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school (Less than Significant with Mitigation)</p>	<p>See Mitigation Measures 3.8-1 through 3.8-3</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Construction of the project would require disturbance to the remnant concrete foundations from the processing plant, which have historically been exposed to some hazardous materials and show signs of staining. Additionally, construction activities would likely require the use of petroleum based products and solvents. The use of these materials will pose a risk if not properly handled, stored, and transported. Implementation of Mitigation Measures 3.8-1 and 3.8-2 will ensure that the potential impact is reduced to a less than significant level. See Draft EIR at pp. 3.8-27 through 3.8-29.</p>
<p>Impact 3.8-3: The project has the potential to result in impacts from being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.8-4: Prior to the commencement of grading activities for construction of the project, the applicant shall confirm to the City of Davis that shallow soil sampling was performed during Phase 2 of the demolition activities. The sampling shall be performed in the areas that will be affected by the removal of asphalt, concrete, and all underground utilities/pipe/conduit/treatment units. The samples shall be submitted for laboratory analysis of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) by EPA Method 8015M and volatile organic compounds (VOCs) by EPA Method 8260. The results of the soil sampling shall be provided to the City of Davis. If elevated levels of TPH or VOCs are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the</p>	<p>The project site has been extensively studied for hazardous materials contamination. The project site is listed as a LUST Cleanup Site, but the case was closed in 1999. The project site is not a listed site pursuant to Government Code Section 65962.5. There is no evidence that the project site</p>

<p>has had significant release of a hazardous material. There is no evidence that the project site is contaminated. There is no evidence that the project site is in need of a site cleanup. With the implementation of Mitigation Measures 3.8-4 and 3.8-5, the proposed project would have a less than significant impact. See Draft EIR at pp. 3.8-29 through 3.8-33.</p>	<p>Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>		<p>Mitigation Measure 3.8-5: Prior to issuance of a final map, the applicant shall properly abandon the monitoring well associated with the former Leaking Underground Storage Tank (LUST), which received closure in 1989. The well abandonment shall be completed consistent with the requirements of the Yolo County Health Department, and the work shall be completed by a C-57 State licensed well contractor.</p>	
<p>The project site is not located within the approach or take-off zones of an airport, nor is it located within any overflight zones. See Draft EIR at p. 3.8-33.</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>	<p>Impact 3.8-4: The project has the potential to result in safety hazards the project has the potential to result in safety hazards for people residing or working on the project site as a result of a public airport or public use airport (Less than Significant)</p>
<p>There are no documented private airstrips within close proximity to the project site. See Draft EIR at p. 3.8-33.</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>	<p>Impact 3.8-5: The project has the potential to result in safety hazards for people residing or working on the project site as a result of a private airstrip (Less than Significant)</p>
<p>The project does not include any actions that would impair or interfere with the City's Multi-Hazard Functional Planning Guide. The project would add additional traffic onto Covell</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>	<p>Impact 3.8-6: The project has the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Less than Significant)</p>

<p>Boulevard, but includes traffic improvements and upgrades so that Covell Boulevard would continue to operate at acceptable levels of service. Implementation of the project would have a less than significant impact. See Draft EIR at p. 3.8-34.</p>	<p>15091)</p>			
<p>Due to site conditions and surrounding uses, potential risk from wildfires is considered low. See Draft EIR at p. 3.8-34.</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>	<p>Impact 3.8-7: The project has the potential to expose people or structures to a risk of loss, injury or death from wildland fires (Less than Significant)</p>
<p>The presence of standing water on the project site, particularly in the onsite detention basin, has the potential to result in the breeding of mosquitoes, which may pose a risk to public health. Implementation of Mitigation Measure 3.8-6 would reduce this potential impact to a less than significant level. See Draft EIR at p. 3.8-35.</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Less than Significant</p>	<p>Mitigation Measure 3.8-6 Upon completion of the onsite stormwater detention basin, the project applicant shall contact the Sacramento-Yolo Mosquito Vector Control District (District) to collaboratively develop and implement a site-specific mosquito control and abatement plan. The applicant shall implement BMPs contained in the District's Mosquito Reduction Best Management Practices Handbook, as directed by District staff.</p>	<p>Impact 3.8-8: The project's water quality and detention basin may create a breeding ground for mosquitoes (Less than Significant with Mitigation)</p>
<p>As required by the Clean Water Act, each</p>	<p>Implementation of the identified</p>	<p>Less than</p>	<p>Mitigation Measure 3.9-1: Prior to the commencement of grading activities, the project proponent shall submit, and obtain</p>	<p>Impact 3.9-1: The project may violate water quality</p>

<p>standards or waste discharge requirements during construction (Less than Significant with Mitigation)</p>	<p><i>approval of, an NOI and SWPPP to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall utilize BMPs and technology to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, check dams, straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation. 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.</i></p> <p>Mitigation Measure 3.9-2: <i>Prior to the commencement of grading activities, the project proponent shall submit, and obtain approval of, a Spill Prevention Countermeasure and Control Plan (SPCC) to the Yolo County Health Department. The SPCC shall specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities, and shall meet the requirements specified in the Code of Federal Regulations, title 40, part 112.</i></p>	<p>Significant</p>	<p>mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>phase of construction will require an approved Stormwater Pollution Prevention Plan (SWPPP) that includes best management practices for grading, and preservation of topsoil. Implementation of Mitigation Measures 3.9-1 and 3.9-2 would ensure consistency with the regulatory requirements and ensure that the proposed project would have a less than significant impact on construction related water quality. See Draft EIR at p. 3.9-15.</p>
<p>Impact 3.9-2: The project may violate water quality standards or waste discharge requirements during operation (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Implementation of the BMPs included in the proposed project plans will ensure that the proposed project would have a less than significant impact on long-term stormwater quality. See Draft EIR at pp. 3.9-16 through 3.9-17.</p>
<p>Impact 3.9-3: Project implementation could substantially interfere with groundwater recharge (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The project site is not considered a significant groundwater recharge area and the high silt and clay within the soils limit the infiltration ability of the project site. The project would have a less than</p>

<p>significant impact to groundwater recharge. See Draft EIR at pp. 3.9-17 through 3.9-18.</p>	<p>The implementation of Mitigation Measure 3.9-3 would ensure that the project drainage system meet or exceed flood control performance standards; that weirs are designed to limit post development peak discharges and volumes to the east property to the east to no more than the rates and volumes under existing conditions; and the revised drainage system plans meet or exceed the City's and the County's planning and design criteria. The implementation of Mitigation Measure 3.9-3 would reduce this impact to a less than significant level. See Draft EIR at pp. 3.9-18 through 3.9-23.</p>	<p>Implementation of Mitigation Measures 3.9-1 and 3.9-2 and the BMPs outlined in the project description will ensure that the proposed project would have a less than significant impact on water quality. See Draft EIR</p>
<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or</p>
<p>Impact 3.9-4: Project implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, or polluted runoff (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.9-3: Prior to approval of the Final Map for the project, and prior to the commencement of any grading operations, the project proponent shall prepare an update to the Flood Control Master Plan. The revised FCMP must be reviewed and approved by the City of Davis Department of Public Works prior to the commencement of grading activities. The updated FCMP shall address the following:</p> <ul style="list-style-type: none"> The final land uses and areas of impervious surface in the Tentative Map shall be included in the FCMP and the drainage calculations in the FCMP shall address the drainage and runoff rates of the final conditions in the approved Tentative Map. The FCMP shall include a figure showing the final locations and sizes of the storm drainage facilities throughout the project site, and shall include water surface elevations for the City of Davis 10-year and 100-year storms. The FCMP shall include a table showing the Rational Method Calculations for determining the storm drain pipe sizes. The FCMP and the project's drainage system shall meet or exceed the performance drainage standards shown in Table 3.9-2, and the weirs shall be designed to limit post development peak discharges and volumes to the east property to the east to no more than the rates and volumes under existing conditions. <p>The revised drainage system shall meet or exceed the City's and the County's drainage planning and design criteria.</p>	<p>Less than Significant</p>
<p>Impact 3.9-5: The proposed project could otherwise substantially degrade water quality (Less than Significant with Mitigation)</p>	<p>See Mitigation Measures 3.9-1 and 3.9-2</p>	<p>Less than Significant</p>

<p>at p. 3.9-24.</p>	<p>The project would include development in areas that are currently mapped and designated Zone A by FEMA, and includes development in areas that are currently within the calculated 100-year floodplain according to modeling. As such, a storm drainage system was designed for the proposed project to accommodate stormwater runoff and to eliminate the FEMA 100-year floodplain from areas proposed for development. With the implementation of Mitigation Measures 3.9-4 and 3.9-5, the project would have a less than significant impact. See Draft EIR at pp. 3.9-25 through 3.9-26.</p>
<p>alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>
<p>Less than Significant</p>	<p>Less than Significant</p>
<p>Mitigation Measure 3.9-4: Prior to commencement of grading operations, the project proponent shall prepare and submit an application for Conditional Letter of Map Revision (CLOMR) to FEMA for approval. The CLOMR shall include revised local base flood elevations based on current modeling of the project site. No building permit shall be issued in the area impacted by the CLOMR until a CLOMR has been approved by FEMA. Mitigation Measure 3.9-5: The building pads for all onsite structures shall be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the Conditional Letter of Map Revision (CLOMR) approved by FEMA. No building permit shall be issued within the area affected by the 100-year floodplain until a CLOMR has been approved by FEMA, and it has been demonstrated that no building pads would be placed below 1.0 feet above the calculated local base flood elevations.</p>	<p>Less than Significant, no mitigation required</p>
<p>Impact 3.9-6: The project may place housing or structures that would impede/redirect flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map (Less than Significant with Mitigation)</p>	<p>Impact 3.9-7: The project may expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the</p>

<p>failure of a levee or dam, seiche, tsunami, or mudflow (Less than Significant)</p>			<p>Guidelines §§15126.4(a)(3), 15091)</p>	<p>See Draft EIR at p. 3.9-26.</p>
<p>Impact 3.10-1: The project may result in the physical division of an established community (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The project would not result in any division of an established community. See Draft EIR at p. 3.10-7.</p>
<p>Impact 3.10-2: Implementation of the proposed project may conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted to avoid or mitigate an environmental impact (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The adopted general plan amendments and zoning actions will ensure the project's consistency with the City's General Plan requirements. This is considered a less than significant impact. See Draft EIR at pp. 3.10.7 through 3.10-10.</p>
<p>Impact 3.10-3: Implementation of the proposed project may conflict with an applicable habitat conservation plan for natural community conservation plan (No Impact)</p>	<p>No Impact, no mitigation required</p>	<p>No Impact</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>There are no adopted habitat conservation plans or natural community conservation plans that pertain to the project site. See Draft EIR at p. 3.10-10.</p>
<p>Impact 3.10-4: Implementation of the proposed project could result in land-use incompatibilities between urban and agricultural uses (Less than Significant with Mitigation)</p>	<p>See Mitigation Measure 3.2-1</p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or</p>	<p>With the imposition of project design features and the restrictions on farming practices in the urban farm (Mitigation Measure 3.2-1), impacts of the project with respect to land use conflicts are less than significant. See Draft</p>

<p>EIR at p. 3.10-12.</p>	<p>alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>			
<p>Traffic associated with the proposed project is not anticipated to result in exposure of persons to traffic noise levels in excess of the City's standards nor would project traffic result in a substantial increase in ambient noise levels. Therefore, this impact is less than significant. See Draft EIR at pp. 3.11-15 through 3.11-16.</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>	<p>Impact 3.11-1: The proposed project may generate unacceptable traffic noise levels at existing receptors (Less than Significant)</p>
<p>Because all construction activities will be subject to the requirements of the City of Davis Municipal Code Section 24.02.040 with respect to limits on construction noise, this would be a less than significant impact. See Draft EIR at pp. 3.11-18 through 3.11-19.</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>	<p>Impact 3.11-2: Construction of the project may generate significant noise (Less than Significant)</p>
<p>Construction vibration impacts are anticipated to be below thresholds of</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>	<p>Impact 3.11-3: Construction of the project may result in vibration impacts (Less than Significant)</p>

<p>Significant)</p>	<p>annoyance to persons or damage to structures. See Draft EIR at pp. 3.11-19 through 3.11-20.</p>	<p>(Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Potentially significant impacts associated with train horn noise resulting from a proposed EVA in the northwest corner of the project site have been eliminated through modifications to project emergency access. See Final EIR pp. 2.0-4 through 2.0.7. Residual impacts in this regard are less than significant.</p>
<p>Impact 3.11-4: The project may result in transportation noise at sensitive receptors (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>
<p>Impact 3.11-5: The project may result in stationary noise at proposed receptors (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.11-3: <i>Where commercial, business professional, industrial, office, or similar uses abut residential uses or where loading docks or truck circulation routes face residential areas, the following mitigation measures shall be included in the project design:</i></p> <ul style="list-style-type: none"> • <i>All heating, cooling and ventilation equipment shall be located within mechanical rooms where possible or shielded with solid barriers;</i> • <i>Emergency generators shall comply with the City's noise criteria at the nearest noise-sensitive receivers;</i> <p>Delivery/loading activities shall comply with the City of Davis noise ordinance standards.</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Less than Significant</p>
<p>Impact 3.11-6: The project may be exposed to railroad vibrations at propose</p>	<p>Less than Significant, no mitigation required</p>	<p>Under CEQA, no mitigation is required for impacts that are</p>	<p>Less than Significant</p>

<p>receptors (Less than Significant)</p>			<p>less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>exposed to structural vibration from railroad usage which would be in excess of normally acceptable criteria for vibration levels. See Draft EIR at p. 3.11-26.</p>
<p>Impact 3.11-7: The project may result in cumulative noise impacts (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The project would contribute no more than 1.1 dB Ldn to noise levels on roadways fronting residential uses along the study area roadways. These increases are less than significant. Additionally, the project would not cause new exceedances of the City of Davis 60 dB Ldn exterior noise level standard. Therefore, the project would have a less than cumulatively considerable contribution to potentially significant cumulative traffic noise impacts. See Draft EIR at pp. 3.11-26 through 3.11-27.</p>
<p>Impact 3.12-1: Implementation of the proposed project may induce substantial population growth (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The City's requirements associated with the 1% Growth Policy and the City's Phased Allocation Ordinance would ensure that the population growth associated with the project is consistent with the City's growth management requirements. The</p>

<p>project is consistent with the regional growth projections prepared by SACOG. Therefore, this impact is less than significant. See Draft EIR at pp. 3.12-5 through 3.12-6.</p>				<p>No Impact, no mitigation required</p>	
<p>There are no existing homes or residential structures on the project site. See Draft EIR at pp. 3.12-7.</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>No Impact</p>			<p>Impact 3.12-2: Implementation of the proposed project may displace substantial numbers of people or existing housing (No Impact)</p>
<p>Overall, the project would not cause a significant shift in the City's jobs:housing balance but would assist in bringing the balance closer to the range specified in the General Plan Update EIR. Therefore, this impact is less than significant. See Draft EIR at pp. 3.12-6 through 3.12-7.</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Less than Significant</p>	<p>Less than Significant, no mitigation required</p>		<p>Impact 3.12-3: Implementation of the proposed project may conflict with the jobs/housing ratio of 0.8:1 to 1.2:1 specified in the General Plan Update EIR</p>
<p>Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would ensure that project impacts to fire services are less than significant. See Draft EIR at pp. 3.13-12</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that alterations have been required in, or incorporated into, the</p>	<p>Less than Significant</p>	<p>Mitigation Measure 3.13-1: Prior to the issuance of Certificates of Occupancy, the applicant shall pay all applicable project impact fees per the impact fee schedule. In the event that project-generated revenues are inadequate to fund required service levels, the applicant may be required to establish a special benefit assessment district, special tax, or other funding mechanism to assure adequate funding for the ongoing maintenance and operation of fire protection and related services.</p>		<p>Impact 3.13-1: Project implementation may result in effects on fire staffing (Less than Significant with Mitigation)</p>

<p>Impact 3.13-2: Project implementation may result in effects on fire response times (Significant and Unavoidable)</p>	<p>No feasible mitigation available.</p>	<p>Significant and Unavoidable</p>	<p>Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>through 3.13-13.</p>
<p></p>	<p>No feasible mitigation is available. Therefore, to the extent that this impact occurs under the Project, it will be significant and unavoidable. The City of Davis hereby concludes that the impact is acceptable in light of the Project's benefits as set forth in the Statement of Overriding Considerations. (CEQA Guidelines §15091(a)(3)).</p>	<p></p>	<p>The General Plan EIR concluded that the fire protection infrastructure was inadequate to maintain fire service standards. The City Council found that fire response times would remain deficient until such time as a fourth fire station is constructed to serve the northern portion of the City of Davis, which includes the project site. The Davis City Council adopted Findings of Fact and a Statement of Overriding Considerations that found that the specific economic, legal, social, technological, and other considerations supported approval of the General Plan despite the significant and unavoidable impact. Therefore, consistent with the analysis of the Davis General Plan and General Plan EIR, the proposed project would have a significant and unavoidable impact to fire protection services. This impact</p>	<p></p>

<p>would be reduced when, or if, the City builds a fourth fire station to serve the northern portion of the city in accordance with the General Plan. See Draft EIR at pp. 3.13-13 through 3.13-14.</p>	<p>Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would ensure that project impacts to fire services are less than significant. See Draft EIR at pp. 3.13-14 through 3.13-15.</p>	<p>Project payment of special assessments under DJUSD CFD#2 (or school facilities fees in the alternative) will ensure that project impacts on school facilities are less than significant. See Draft EIR at pp. 3.13-15 through 3.13-16.</p>
	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a level than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>
	<p>Less than Significant</p>	<p>Less than Significant</p>
	<p>Less than Significant, no mitigation required</p>	<p>Mitigation Measure 3.13-2: <i>Prior to the issuance of a building permit, either (1) the subject property shall be subject to special assessments for school facilities pursuant to DJUSD Community Facilities District #2, or (2) the applicant shall pay applicable school fees mandated by SB 50 to the Davis Joint Unified School District and provide a receipt of payment to the Department of Community Development and Sustainability</i></p>
<p>Impact 3.13-3: Project implementation may result in effects on police staffing (Less than Significant)</p>		<p>Impact 3.13-4: Project implementation may result in effects on schools</p>

<p>Impact 3.13-5: Project implementation may result in effects on parks (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.13-3: <i>Prior to the issuance of a building permit, or such earlier time if provided by law, the applicant shall pay applicable park in-lieu fees to the City of Davis for the value of the remaining parkland obligation of 1.23 net acres. The final calculations for the park in-lieu fees shall be based on the total residential unit count and parkland acreage in the approved project plans, and shall be based on the 2010 Census figure of 2.55 persons per household.</i></p>	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>	<p>Project construction of improved park facilities and payment of impact fees in the manner set forth in the Development Agreement will mitigate for project impacts. See Draft EIR at pp. 3.13-16 through 3.13-18.</p>
<p>Impact 3.13-6: Project implementation may result in effects on Greenbelt and open space (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The proposed project is consistent with the General Plan Greenbelt and open space standards. See Draft EIR at pp. 3.13-18 through 3.13-20.</p>
<p>Impact 3.13-7: Project implementation may result in effects on other public facilities (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would ensure that project impacts to other public facilities are less than significant. See Draft EIR at p. 3.13-21.</p>

<p>Impact 3.14-1: Project implementation would result in a significant impact at the unsignalized Covell Boulevard/Oak Tree Plaza Driveway Intersection (#20) (Potentially Significant and Unavoidable)</p>	<p>Several potential measures are available as potential mitigations for this impact. Each measure is described below:</p> <ul style="list-style-type: none"> • <i>MM 3.14-1A: Prohibit outbound left-turns from the Oak Tree Plaza driveway via construction of a raised median (that maintains westbound left-turn ingress).</i> • <i>MM 3.14-1B: Construct a refuge island within the median of Covell Boulevard at the Oak Tree Plaza driveway to enable outbound left-turns to merge onto westbound Covell Boulevard more easily (via a two stage gap acceptance configuration).</i> • <i>MM 3.14-1C: Install a traffic signal at the Covell Boulevard/Oak Tree Plaza driveway.</i> • <i>MM 3.14-1D: Install a traffic signal at the Covell Boulevard/L Street intersection and operate the Covell Boulevard/L Street and Covell Boulevard/Pole Line Road traffic signals as a coordinated system as a means to create more gaps in traffic on Covell Boulevard for outbound left-turns from the Oak Tree Plaza driveway.</i> • <i>MM 3.14-1E: Modify the permitted turn movements at the driveways serving Oak Tree Plaza as follows:</i> <ul style="list-style-type: none"> ○ <i>Westerly Driveway – Permit westbound left-turn ingress in addition to right-turns.</i> ○ <i>Central Driveway – Convert from full-access to right-turns only.</i> ○ <i>Easterly Driveway - Convert from right-turn only to permit outbound left-turns (with a median refuge island).</i> ○ <i>MM 3.14-1F: Accept LOS F in accordance with General Plan MOB Policy 1.1, part c.</i> 	<p>Potentially Significant and Unavoidable</p>	<p>Implementation of one or more of the identified mitigation measures may reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. However, depending upon the mitigation option selected by the City of Davis, impacts may be significant and unavoidable as disclosed by the EIR. The City of Davis hereby concludes that the impact, if significant and unavoidable, is acceptable in light of the Project's benefits as set forth in the Statement of Overriding Considerations. (CEQA Guidelines §15091(a)(3)).</p>	<p>Depending upon the mitigation strategy employed by the City, impacts may not be mitigated to below a level of significance. See Draft EIR at pp. 3.14-31 through 3.14-34.</p>
<p>Impact 3.14-2: Under cumulative conditions, project implementation would worsen already unacceptable levels of service at study intersections. (Less than Significant with Mitigation)</p>	<p>Mitigation Measure 3.14-2: <i>The project applicant(s) should contribute fair share funding to cover their proportionate cost of the following intersection improvements:</i></p> <ul style="list-style-type: none"> • <i>8th Street/J Street (Covell Village as Residential or Light Industrial) – Install a traffic signal along with a dedicated westbound left-turn pocket. Operations would improve to LOS E or better with this mitigation measure in place. The City's Capital Improvement Program (CIP) includes the installation of a traffic signal at this intersection.</i> • <i>Pole Line Road/Picasso Avenue (Covell Village as Residential or Light Industrial) – install a traffic signal</i> 	<p>Less than Significant</p>	<p>Implementation of the identified mitigation measures will reduce this impact to a less than significant level. The City of Davis hereby adopts these mitigation measures. The City of Davis, therefore, finds that changes or alterations have been</p>	<p>The project will contribute a fair share and/or construct traffic and roadway improvements to address cumulative impacts. See Draft EIR pp. 3.14-44 through 3.14-46.</p>

<p>required in, or incorporated into, the Project that avoid the significant environmental effects identified in the Final EIR. (CEQA Guidelines §15091(a)(1))</p>		<p>The expected number of project transit riders and existing transit patronage would not cause a demand for transit above that which is provided or planned. Similarly, the project would not conflict or interfere with any existing or planned transit services. This is considered a less than significant impact. See Draft EIR at pp. 3.14-46 through 3.14-47.</p>
<p>along with lane configurations shown on Figure 3.14-9B. Operations would improve to LOS E or better with this mitigation measure in place.</p> <ul style="list-style-type: none"> • Pole Line Road/Moore Boulevard (Covell Village as Residential or Light Industrial) – install a traffic signal along with lane configurations shown on Figure 3.14-9B. Operations would improve to LOS E or better with this mitigation measure in place. • Covell Boulevard/L Street (Covell Village as Residential) – install a traffic signal along with lane configurations shown on Figure 3.14-9B, plus a dedicated westbound right-turn lane. Operations would improve to LOS E or better with this mitigation measure in place under the cumulative plus project with Covell Village as Residential scenario. • Covell Boulevard/L Street (Covell Village as Light Industrial) – install a traffic signal along with lane configurations shown on Figure 3.14-9B, plus a dedicated westbound right-turn lane, and a second eastbound left-turn lane. Operations would improve to LOS E or better with this mitigation measure in place under the cumulative plus project with Covell Village as Light Industrial scenario. 	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>
<p>Impact 3.14-3: The project may conflict with existing/planned transit services, or create a demand for transit above that which is provided or planned (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant, no mitigation required</p>
<p>Impact 3.14-4: The project may conflict with existing/planned bicycle and pedestrian facilities, and would provide connections</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>

<p>to existing bicycle and pedestrian facilities (Less than Significant)</p>			<p>Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>construction of any future facilities. The project would construct improvements at the Covell Boulevard / J Street intersection that would benefit bicyclist and pedestrian travel. A new Class I multi-use path would be constructed along the project's southern boundary to connect other facilities. See Draft EIR at pp. 3.14-47 through 3.14-48.</p>
<p>Impact 3.14-5: The proposed site plan would provide inadequate emergency vehicle access (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The project will provide adequate emergency access, See Final EIR at pp. 2.0-4 through 2.0-7</p>
<p>Impact 3.14-6: Construction traffic may cause significant intersection impacts (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Therefore, construction traffic/activities would not cause any intersection impacts not already identified. All construction staging and worker parking will occur within the project site. See Draft EIR at p. 3.14-48.</p>
<p>Impact 3.15-1: Wastewater generated by the proposed project may exceed the capacity of the wastewater treatment plant, and may exceed the wastewater treatment plant permit requirements (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>Wastewater flows would be conveyed via an existing 42" trunk main with adequate capacity. In addition, the City's WWTP has adequate capacity under</p>

<p>Significant)</p> <p>Impact 3.15-2: the project may not be adequately served by existing water supply sources under existing and cumulative conditions (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>15091)</p> <p>existing and future cumulative conditions. See Draft EIR at pp. 3.15-5 through 3.15-7.</p>
<p>Impact 3.15-3: The project may not be served by a permitted landfill with sufficient capacity to meet the solid waste disposal needs of the project (Less than Significant)</p>	<p>Less than Significant, no mitigation required</p>	<p>Less than Significant</p>	<p>Under CEQA, no mitigation is required for impacts that are less than significant (Public Resources Code §21002; CEQA Guidelines §§15126.4(a)(3), 15091)</p>	<p>The City's existing potable water supplies are sufficient to meet the City's existing and projected future potable water demands, including those future potable water demands associated with the proposed project, to the year 2035 under all hydrologic conditions (normal years and dry years). See Draft EIR at pp. 3.15-16 through 3.15-20.</p> <p>The Yolo County Central Landfill has adequately capacity and permitted operational life to serve the project. See Draft EIR at pp. 3.15-20 through 3.15-24.</p>