Findings of Fact

and

Statement of Overriding Considerations

for the

Nishi Gateway Project
Environmental Impact Report

STATE CLEARINGHOUSE NUMBER 2015012066

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1 STATE MENT OF FINDINGS

1.1 INTRODUCTION

The City of Davis (City), as lead agency pursuant to the California Environmental Quality Act (CEQA), has prepared an Environmental Impact Report (EIR) for the Nishi Gateway Project (project) (State Clearinghouse No. 2015012066). The EIR consists of the Draft EIR and the Final EIR. The project is comprised of two primary components: 1) annexation from Yolo County and development of 46.9 acres (Nishi site) with a mixed-use community that will provide roadway connections to the City and University of California at Davis (UC Davis), and 2) rezoning of 10.8 acres within the City (hereafter referred to as West Olive Drive) to allow for redevelopment. No new development is currently proposed as part of West Olive Drive; however the rezoning of the parcels within West Olive Drive will allow for redevelopment at a higher density than current zoning. Within the EIR, the development of the 46.9-acre Nishi site is evaluated at a project-level pursuant to Section 15161 of the CEQA Guidelines, and the redevelopment of West Olive Drive is evaluated at a program-level pursuant to Section 15168 of the CEQA Guidelines.

These findings, as well as the accompanying statement of overriding considerations in Section 2, have been prepared in accordance with CEQA (Public Resources Code [PRC], Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.)

1.1.1 Project Background

The City approved the Gateway/Olive Drive Specific Plan, which addresses the West Olive Drive area, in 1996. The plan was later amended and reprinted in 2002. The vision for West Olive Drive is to maintain and enhance the existing unique character and mix of needed uses. More specifically, service commercial, restaurant, motel, and similar uses would continue with roadway and landscape improvements to upgrade the visual entrance to the city. The existing plan also acknowledges future development of the Nishi site and potential subsequent redevelopment within West Olive Drive as a result.

The Nishi site, located adjacent to the City and UC Davis in unincorporated Yolo County, has been considered for development by the City for the past 20 years and is reflected within the City's General Plan as being within the Sphere of Influence for the City. The site's is currently used for agriculture, consistent with historical land uses in the region. The property was originally owned by G.C Griggs beginning in 1870, as part of a 450-acre orchard operation. By 1929, the property had transferred ownership to the Oeste Family, until 1955 when it was sold to John Nishi and family. The land was acquired from the Nishi family in 2005 by the current owner/applicant (Nishi Gateway LLC). Between 2005 and 2012, the property did not function as active agricultural land. Since 2012, the Nishi site has been used as a dry-farming operation for winter wheat.

Prior to 1992, the Nishi site was located within Solano County, but was then annexed by Yolo County as a single parcel. The City of Davis, through the Gateway/Olive Drive Specific Plan, had approved applications for pre-zoning, annexation, and subdivision of the Nishi site in 1996; however, no development occurred and the entitlements expired. The site was subsequently re-designated for agricultural use. In 2008, the City of Davis Housing Element Steering Committee recommended that the Nishi site be developed with high-density residential through a cooperative plan for development with UC Davis. In November 2012, the City Council approved a Pre-Development Cost Funding and Negotiation Agreement for the Nishi site, with the goal of planning the site as a mix of university-related research park development complemented by high density urban housing. This followed the Council's action on the Business Park Land Strategy to pursue (re)development of Downtown and Nishi/Gateway as a dynamic mixed-use innovation district and to initiate planning of the Nishi property as a mix of university-related research park development complemented by high-density urban housing.

At the direction of the City Council, the Department of Community Development and Sustainability engaged in an extensive public outreach effort during summer and fall 2014. Efforts included:

- stakeholder interviews with West Olive Drive businesses and property owners, Cool Davis and other sustainability representatives, and the business community;
- two public meetings to present preliminary concepts;
- presentations to eight community and service groups, including the Sierra Club, Davis Bicycles!, and volunteers at the UC Davis Arboretum;
- presentations to six City of Davis commissions with subject areas related to the project application; and
- creation of an interactive on-line comment tool at www.NishiGateway.org. Nearly 200 individuals made comments on the website about possible project design and components. In a first for the City, comments were posted and updated weekly, for others to review.

Based on the responses garnered during the public outreach phase of project planning, the City and the applicant began preparation of a conceptual land plan and various sustainability plans for the Nishi site. Also during this time, the City undertook an evaluation of potential innovation center opportunities, culminating in the 2012 City of Davis Innovation Center Study. This study concluded that the Nishi site represented the best opportunity for a close-in innovation hub, despite its challenging development constraints such as access barriers and narrow site configuration. In December 2014, the City Council adopted guiding principles for continued innovation center planning and design, as summarized below:

DENSITY

- Maximize density to accommodate long-term business growth
- Take into account the specific needs of identified tenants
- Maintain at least 0.5 floor area ratio (FAR)
- Pursue opportunities for densification over time
- Implement a mix of building types and heights

SUSTAINABILITY

- Apply Low Impact Development Principles
- Ensure minimal greenhouse gas (GHG) impacts at the project level
- Allow flexibility and adaptation over the project lifespan and as new building techniques and energy production technologies emerge
- Explore opportunities to bolster the goals of the Davis Climate Adaptation & Action Plan
- Comply with the minimum city requirement of the CalGreen Tier 1 energy code for buildings
- Mitigate with agricultural land on a 2 to 1 acre basis
- Evaluate budgetary impacts of any proposed City maintenance areas as part of the City's fiscal analysis
- Utilize energy and resource efficient design, materials, operations and infrastructure

- Integrate open space and habitat opportunities
- Maximize the use of trees and native landscaping

TRANSPORTATION

- Establish bicycle/pedestrian connectivity
- Develop partnerships with the City, UC Davis Unitrans, Yolo County Transit and Amtrak
- Create a comprehensive multi-modal system and transportation plan with safe, dynamic, well-planned automobile, bicycle, pedestrian, mass transit and emergency vehicle access connections

WORK ENVIRONMENT

- Include elements of "work, live, play" that encourage an engaged and inviting workplace

USES

- Allow warehouse uses only as auxiliary to research and manufacturing
- Provide a mix of professional office, high-tech, research and development (R&D), industrial flex space, grow labs, commercial services
- Focus largely on expansion needs of research and technology development
- Provide some ancillary project-serving retail and services
- Target hotel/conference spaces to serve the business needs of the center over time
- Discourage distribution centers, call centers or large-scale food processing plants
- Minimize and carefully manage heavy truck deliveries
- Focus on creation of research, technology and advanced manufacturing jobs, and revenue generating uses

TIMING AND PROJECT PHASING

- Demonstrate sufficient resources to ensure completion of the project
- Employ phasing to match anticipated market demand for space and be adaptable to respond to changing market conditions over time
- Determine building density, project phasing, and total job creation in concert with community growth and CEQA mitigations
- Employ phasing that is responsive to actual and potential tenants

FISCAL CONSIDERATION AND NET COMMUNITY BENEFIT

- Achieve fiscal neutrality with regard to city services
- Provide substantial surplus annual revenue

- Provide positive economic impacts/multipliers citywide, and net community benefits

PARTNERSHIPS

- Facilitate collaborative partnerships
- Provide opportunities for increased university and research engagement

These principles have been taken into consideration by City staff and the project applicant as part of the project planning thus far and will continue to guide planning/development of the Nishi site.

1.1.2 Project Objectives

Consistent with CEQA Guidelines Section 15124(b), a clear statement of objectives and the underlying purpose of the project were discussed. The City and the applicant have identified the following project objectives:

- Optimize an underutilized infill location within and adjacent to the City of Davis;
- Contribute to the overall character and livability of the surrounding neighborhood and UC Davis by facilitating the reuse of property in a manner that enhances the visibility and aesthetic appeal of the city from Richards Boulevard, Union Pacific Railroad (UPRR), and Interstate 80 (I-80) and that enhances circulation within the city and to UC Davis;
- Develop a mixed-use project with an array of dense, efficient, urban housing types, as well as land for business opportunities;
- Provide additional housing near existing mobility infrastructure (i.e., pedestrian and bicycle facilities and transit) to reduce vehicle trips, vehicle miles travelled, and parking demand;
- Provide housing density adjacent to the downtown area of the City of Davis and UC Davis to reduce vehicle trips, vehicle miles travelled, and parking demand within the downtown area;
- Provide alternative access to UC Davis to minimize congestion along Richards Boulevard at the UPRR undercrossing and at the intersection of Richards Boulevard and 1st Street;
- Minimize impacts to on-site environmental resources, including on-site vegetation, potentially historic structures along West Olive Drive, and Putah Creek;
- Accommodate high-skilled technology-related jobs that allow a greater number of Davis residents to live and work in the community;
- Provide energy-efficient building design, low-water use indoor and outdoor design, and high-quality construction by incorporating national and/or local sustainable design practices;
- Promote flexibility in project design and implementation to respond to market demand, through phasing of construction, and offering a variety of building types; and
- Collaborate with UC Davis and others to capture startup businesses and growing mid-to-large size companies, reducing the loss of intellectual capital and revenue through out-migration.

1.1.3 CEQA Requirements for Findings

CEQA, PRC Sections 21000 *et seq*. and the regulations implementing that statute, CCR, Title 14, Division 6, Chapter 3, Sections 15000 *et seq.* (the "CEQA Guidelines") (collectively, the act and the CEQA Guidelines are referred to as "CEQA") require public agencies to consider the potential effects of their discretionary activities on the environment and to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment to the extent feasible. Specifically, PRC Section 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[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state 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 announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC Section 21081, subd. (a); CEQA Guidelines Section 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
>
> (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency.
>
> (3) Specific economic, legal, social, technological, 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.
> (PRC Section 21081, subd (a); see also CEQA Guidelines Section 15091, subd. (a).)

PRC Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See also *Citizens of Golden Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553, 565.)

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. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*).) "[F]easibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing "'economic, environmental, social, and technological factors' … 'an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground'"].)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, Sections 15093, 15043, subd. (b); see also PRC Section 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving…any development project, a delicate task which

requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d at p. 576)

Because the Nishi Gateway Project EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of the CEQA Guidelines presented above, the City of Davis hereby adopts these Findings as part of the approval of the Nishi Gateway Project. These Findings constitute City of Davis' best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the City of Davis approval of the Nishi Gateway Project. Moreover, because certain environmental impacts would be significant and unavoidable, the City also adopts a Statement of Overriding Considerations.

1.1.4 Organization of Findings

The Statement of Findings, Section 1 of this document, is organized as follows:

- Section 1.1 provides the background and context of the project and describes the need for these Findings as to the Nishi Gateway project site
- Section 1.2 includes a brief description of the project
- Section 1.3 describes the CEQA environmental review process for the project
- Section 1.4 describes the record of documents for the project
- Section 1.5 summarizes the significant environmental impacts of the project
- Section 1.6 contains the general Findings about the project
- Section 1.7 contains the Findings regarding alternatives to the project
- Section 1.8 contains the Findings of Fact regarding the significant effects of the project for the approved Nishi Gateway Project
- Section 1.9 describes the Mitigation Monitoring and Reporting Program (MMRP) for the project, specifically for the approved Nishi Gateway Project
- Section 2 of this document contains the Statement of Overriding Considerations.

1.2 DESCRIPTION OF THE PROJECT

1.2.1 Project Location

The project site is composed of two distinctly separate but adjoining areas, totaling approximately 57.7 acres; 10.8 acres are within the City of Davis and 46.9 acres are immediately southwest of the city limits. The project site is adjacent to downtown Davis and the UC Davis university campus, but is separated by the existing UPRR track. The 46.9-acre area is hereafter referred to as the Nishi site and is evaluated at a project-level within the EIR. The remaining 10.8-acre area is hereafter referred to as West Olive Drive and is evaluated at a program-level.

The Nishi site consists primarily of farmland (approximately 33.5 aces) under dry agricultural production and is bounded by the UPRR track and UC Davis Campus to the northwest, Putah Creek to the northeast, and I-80 to the south. The remainder of the Nishi site consists of dirt roads and open space associated with the Putah Creek channel. West Olive Drive is largely developed with commercial uses and is bounded by Richards Boulevard to the northeast, the I-80/Richards Boulevard interchange to the southeast, Putah Creek to the southwest, and the existing railroad to the northwest.

The Nishi site is comprised of a five legal parcels combined into a single Assessor's Parcel Number (APN) (036-170-018) that is zoned A-N (Agricultural Intensive) and designated as Agriculture by the Yolo County General Plan. West Olive Drive is comprised of numerous parcels (APNs 070-270-002 through 070-270-013). Uses within West Olive Drive include a hotel, restaurants, mini-storage, and service commercial (auto-related). Parcels within the West Olive Drive portion of the project site are zoned for Commercial Service uses in the Gateway / Olive Drive Specific Plan. The land use designation for the entire West Olive Drive is Commercial Service with the exception of Putah Creek, which is designated as Parks/Recreation. It should be noted that, for the purposes of this EIR, one parcel (APN 070-270-005) within West Olive Drive is being considered under a separate application that preceded this EIR and is not a part of the proposed project.

1.2.2 Project Description

The project is comprised of two primary components:

1. Annexation and development of the Nishi site with a mixed-use innovation district community that will provide roadway connections to the City of Davis and UC Davis.

2. Rezoning of West Olive Drive to allow for redevelopment of parcels within West Olive Drive.

No new development is currently proposed as part of West Olive Drive, however the rezoning of the parcels within West Olive Drive as part of the project would allow for redevelopment.

DEVELOPMENT OF NISHI PROJECT

The project would involve the development of a mix of land uses consisting of rental and for-sale, high-density residential uses; R&D space; accessory commercial/retail space; on-site stormwater detention; open spaces, including a public park, greenbelts, and private open space for the proposed residential uses; and surface/structure parking with solar panels. The project would include up to 650 residential units (potentially 440 rental and 210 for-sale units), up to 325,000 square feet (sf) of R&D uses, and up to 20,000 sf of accessory retail uses (coffee shop, small café/restaurant, etc.) with a variety of lot sizes and building floor plates. While not proposed at this time, the site could potentially accommodate an extended-stay hotel, which would be subject to subsequent market assessment and discretionary City review and approval with performance standards. Access to the site would be provided by West Olive Drive and a new connection to Old Davis Road. Occupancy of the site would not be allowed until both points of access are available.

Because the Nishi site is currently under the jurisdiction of Yolo County, Yolo County LAFCo would need to approve annexation of the site into the City before development. Upon annexation, the site would receive a modified University-Related Research Park General Plan land use designation. According to California Government Code 56375, LAFCo shall require, as a condition of annexation, that a city pre-zone the territory to be annexed. Consistent with this requirement, the Nishi site would be pre-zoned by the City to Planned Development (P-D), which allows for project-specific regulations that enable a diverse mix of uses that promote the project vision, goals, and policies.

RE-DESIGNATION/REZONING OF WEST OLIVE DRIVE

The 10.8-acre West Olive Drive is currently designated as Commercial Service and zoned for Commercial Service and Parks/Recreation uses under the Gateway/Olive Drive Specific Plan, which was adopted by the City of Davis in 1996 and amended in 2002. The project includes amendment to the Commercial Service designation of West Olive Drive to allow intensification and a greater mix of non-residential uses. Approximately 55,900 net new sf of commercial uses may be developed within West Olive Drive through redevelopment (demolition of some existing buildings, reconstruction and expansion) and may include office, commercial service, and small-scale neighborhood-serving uses. Based on allowable floor-area ratios, structures would likely be two or three stories in height. However, as noted above, no development is currently proposed within West Olive Drive as part of the project and no potential development is anticipated within the near term (i.e., before buildout of the Nishi site). The Embassy Suites development project that is being considered by the City is a separately planned project with its own environmental review and is not included as part of the project, including West Olive Drive, for the purposes of the EIR.

1.3 ENVIRONMENTAL REVIEW PROCESS

This Draft EIR has been prepared under the City's direction in accordance with the requirements of CEQA (PRC Sections 21000-21177) and the CEQA Guidelines (CCR, Title 14, Division 6, Chapter 3, Sections 15000-15387). The City is serving as the lead agency under CEQA for consideration of certification of this EIR and potential project approval; CCR Section 151367 defines the lead agency as the agency with principal responsibility for carrying out and approving a project. The Nishi portion of the project site is currently located within the jurisdiction of Yolo County, but is within the City of Davis's Sphere-of-Influence. Development of the Nishi site ultimately requires City of Davis approval, although it will first need to be annexed from the County.

According to CEQA, if the lead agency determines that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (CCR Section 15064(f)(1)). An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

After the City Council approves the project, the project is required to obtain voter approval pursuant to Measure J (as renewed in 2010 via Measure R). Measure J was enacted in 2000 to require voter approval for any newly proposed urban or residential development on land in agricultural use at the time of proposal and, more specifically, for any development on the last two large vacant properties, one of which was Nishi, designated for urban use in the City of Davis General Plan on August 1, 1999.

1.3.1 Notice of Preparation and Commencement of Scoping Period for EIR

In accordance with PRC Section 21092 and CCR Section 15082, a Notice of Preparation (NOP) was prepared and circulated on January 29, 2015, for a minimum 30-day period of public and agency comment. The NOP was submitted to the State Clearinghouse and Yolo County Clerk-Recorder. A public scoping meeting was conducted by the City on February 23, 2015. No oral comments were provided at this meeting, however several written comments were received at this meeting.

This Draft EIR was circulated for a 46-day period of review and comment by the public and other interested parties, agencies, and organizations. A public hearing was held on October 14, 2015, to receive input from agencies and the public on the Draft EIR.

After close of the Draft EIR public comment period, responses to written and oral comments on environmental issues were be prepared as part of the Final EIR. Consistent with CCR Section 15088(b), commenting agencies were provided a minimum of 10 days to review the proposed responses to their comments before any action was taken on the Final EIR or project. The Final EIR was then considered for certification (in accordance with CCR Section 15090) as adequate by the City Council. The City found that the Final EIR is "adequate and complete", the City Council certified the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

1. The EIR shows a good faith effort at full disclosure of environmental information; and

2. The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project with consideration given to its environmental impacts.

The level of detail contained throughout the EIR is consistent with CCR Section 15151 of the CEQA Guidelines and recent court decisions, which provide the standard of adequacy on which this document is based. The Guidelines state as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA requires that when a public agency makes findings based on an EIR, the public agency must adopt a reporting or monitoring program for those measures it has adopted or made a condition of the project approval to mitigate significant adverse effects on the environment. The reporting or monitoring program must be designed to ensure compliance during project implementation. The Mitigation Monitoring Program for the project was prepared and considered by the City Council and Planning Commission in conjunction with the Final EIR review.

1.3.2 Public Noticing and Public Review of Draft EIR

In accordance with Sections 15087 and 15105 of the CEQA Guidelines, the Draft EIR was circulated for public review and comment to lead and responsible agencies, as well as members of the public, for 46-days (September 10, 2015 through October 26, 2015). The City also held a public meeting on October 14, 2015 to receive comments on the Draft EIR. Written comment letters received on the Draft EIR and a transcript of oral testimony are provided as part of the final environmental impact report (Final EIR). None of the comments constituted “significant new information,” which would require recirculation of the Draft EIR. Significant new information is defined in Section 15088.5(a) of the CEQA Guidelines as follows:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) 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.

(3) 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.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of these circumstances has arisen from comments on the Draft EIR.

As required by CEQA Guidelines Section 15088(b), the City has provided a hard or electronic copy (through the City's website; see prior discussion) to each public agency that submitted written comments on the Draft EIR with written responses to that public agency's comments at least 10 days prior to certifying the Final EIR.

1.4 DESCRIPTION OF THE RECORD

For purposes of CEQA and these Findings, the record before the City Council is composed of all non-privileged documents relating to the project in City of Davis' files on this matter, including, without limitation:

- The NOP prepared for the project;
- The Draft EIR for the Nishi Gateway Project, with all appendices to the Draft EIR and cited references;
- All comments or documents submitted by public agencies or by members of the public during or after the comment period on the Draft EIR or up to the City Council's approval of the project;
- The Final EIR for the Nishi Gateway Project, with all appendices to the Final EIR and cited references;
- The MMRP, attached as Attachment A to these Findings;
- All Findings and Resolutions adopted by the City Council in connection with the project and all documents cited or referred to therein;
- All staff reports and presentation materials related to the project, including internal reports and analyses prepared by consultants to the City of Davis;
- All studies conducted for the project and contained in, or referenced by, staff reports, the Draft EIR, the Final EIR, or the MMRP;
- All public reports and documents related to the project prepared for or by City of Davis, including, without limitation, all planning documents, other public agencies, or the federal courts.
- All documentary and oral evidence received and reviewed at public hearings, meetings and workshops related to the project, the Draft EIR, the Final EIR, or the MMRP;
- All other public reports and documents relating to the project that were used by the City of Davis staff or consultants in the preparation of the Draft EIR, the Final EIR or the MMRP; and
- All other documents, not otherwise included above, required by PRC Section 21167.6.

1.5 SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE PROJECT

The EIR identifies significant and potentially significant but mitigable impacts to the following environmental resources at the Nishi Gateway project site: aesthetic and visual resources (Nishi Site); air quality (Nishi Site); biological resources (Nishi Site and West Olive Drive); cultural resources (Nishi Site and West Olive Drive); greenhouse gas emissions, climate change and energy (Nishi Site); hazards and hazardous materials

(Nishi Site and West Olive Drive); hydrology and water quality (Nishi Site); noise and vibration (Nishi Site); transportation and circulation (Nishi Site and West Olive Drive); and utilities (Nishi Site and cumulative).

As described below (Section 1.8), mitigation measures and project modifications are available to reduce each of these impacts to a less-than-significant level, and City of Davis has adopted such measures.

The EIR also identifies significant and unavoidable impacts at the Nishi Gateway project site related to agriculture and forest resources (Nishi Site and cumulative); air quality (Nishi Site); greenhouse gas emissions, climate change and energy (Nishi Site, West Olive Drive, and cumulative); noise and vibration (Nishi Site); and transportation and circulation (Nishi Site, West Olive Drive, and cumulative).

1.6 GENERAL FINDINGS

1.6.1 Certification of the EIR

In accordance with CEQA, the City has considered the effects of the project on the environment, as shown in the Draft EIR, Final EIR, and the whole of the administrative record, prior to taking any action to approve the Nishi Gateway Project. The Final EIR was released for public review on December 16, 2015. The City Planning Commission reviewed the Final EIR and, at the January 6, 2016 public hearing, recommended to the City Council that the EIR be certified as adequate. The City Council has reviewed and considered the EIR and the information relating to the environmental impacts of the proposed project site, including the Nishi Site and the West Olive Drive, contained in the Draft and Final EIR documents and has certified that the EIR has been prepared and completed in compliance with CEQA. By these Findings, the City Council ratifies and adopts the conclusions of the Final EIR as set forth in these Findings, except where such conclusions are specifically modified by these Findings. The Final EIR and these Findings represent the independent judgment and analysis of the City Council.

1.6.2 Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the entire record before the City. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

1.6.3 Findings Regarding Mitigation Measures

MITIGATION MEASURES ADOPTED

Except as otherwise noted, the mitigation measures herein referenced are those identified in the Final EIR and adopted by the City as set forth in the MMRP.

IMPACT AFTER IMPLEMENTATION OF MITIGATION MEASURES.

Except as otherwise stated in these Findings, in accordance with CEQA Guidelines Section 15092, the City finds that environmental effects of development of the Nishi Gateway Project will not be significant or will be mitigated to a less-than-significant level by the adopted mitigation measures. All significant environmental effects have been substantially lessened or eliminated where feasible. The City has determined that any remaining significant effects on the environment that are found to be unavoidable are acceptable due to overriding considerations as described in Section 2. These overriding considerations consist of specific housing, economic, transportation access, sustainability, and other benefits of the project, which justify approval of the project and outweigh the unavoidable adverse environmental effects of the project, as more

fully stated in Section 2 (Statement of Overriding Considerations). Except as otherwise stated in these Findings, the City finds that the mitigation measures incorporated into and imposed upon the project will not have new significant environmental impacts that were not analyzed in the EIR.

RELATIONSHIP OF FINDINGS AND MMRP TO FINAL EIR

These Findings and the MMRP are intended to summarize and describe the contents and conclusions of the Draft EIR and Final EIR for policymakers and the public. For purposes of clarity, these impacts and mitigation measures may be worded differently from the provisions in the Final EIR and/or some provisions may be combined. Nonetheless, the City and/or the project applicant will implement all measures contained in the Final EIR. In the event that there is any inconsistency between the descriptions of mitigation measures in these Findings or the MMRP and the Final EIR, the City and/or the project applicant will implement the measures as they are described in these Findings and the attached MMRP. In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from these Findings or from the MMRP, such a mitigation measure is hereby adopted and incorporated in the Findings and/or MMRP as applicable.

1.6.4 Location and Custodian of Records

Pursuant to PRC Section 15091, the City is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at the offices of the City of Davis, 23 Russell Boulevard, Suite 2, Davis, California 95616. Additionally, many of the documents and materials are available online at www.CityofDavis.org.

1.7 ALTERNATIVES

The range of alternatives evaluated in the EIR included those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]). As directed by CEQA, the EIR included feasible alternatives that would reduce or avoid significant environmental impacts associated with the project. Alternatives considered in an EIR need to attain most of the project objectives in order to be considered feasible. The exception is the No Project Alternative, which is a required alternative for EIRs under CEQA (Guidelines Section 15126.6[e]).

1.7.1 Alternatives Evaluated in the EIR

Pursuant to the requirements of CEQA Guidelines Section 15126.6 and in light of the project objectives, the following alternatives to the project were identified and evaluated in the Draft EIR:

- No Project
- Research and Development Only Alternative
- Alternative Land Use Mix Alternative
- Off-Site Alternative

ALTERNATIVE 1: NO PROJECT

CEQA Guidelines Section 15126.6(e)(1) requires that the 'no project' alternative be described and analyzed "to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project." Because the site is currently zoned and general planned for agriculture under Yolo County's jurisdiction, the No Project Alternative assumes the project site would not be developed and current dry farm operations would continue. Additionally, rezoning/redesignation of West Olive Drive would not occur. Under Alternative 1, no development or redevelopment would occur on the project site. None of the impacts identified in the Draft EIR, including the significant and unavoidable impacts, would occur under this alternative because the project site would remain in its current state. However, this alternative would not meet any of the project objectives identified above in Section 7.2, "Project Objectives," because the project site would not be treated as infill and would remain underutilized. Without development in the project site, objectives related to the character, City-wide housing demands, job creation, transportation connectivity, and general project design would not be met.

For these reasons, the City Council hereby rejects Alternative 1 because it is infeasible.

ALTERNATIVE 2: RESEARCH AND DEVELOPMENT ONLY ALTERNATIVE

Alternative 2 would involve development of the Nishi site with only R&D uses and a similar retail commercial component (approximately 20,000 square feet [sf]). Under Alternative 2, R&D uses would replace residential uses proposed for the project, and would result in approximately 1,200,000 sf of R&D uses present on the Nishi site. Buildout of the Nishi site under this alternative would be conducted in a manner similar to that of the project (within 5-7 years of project approval) and would depend on the outcome of a Measure J/R vote, similar to the project. Under this alternative, the redesignation and rezoning of West Olive Drive would also occur, thereby resulting in the same 55,000 sf of net new commercial square footage as a result of subsequent redevelopment within West Olive Drive.

With respect to project objectives, Alternative 2 would not provide additional housing to accommodate anticipated growth (both from the City and UC Davis). Based on the environmental analysis contained in this Draft EIR, Alternative 2 would result in less impacts compared to the project. However, Alternatives 2 would result in various environmental effects, some of which are substantially greater than would occur with implementation of the project. In particular, Alternative 2 would have substantially greater traffic impacts

that would contribute to additional GHG emissions compared to the project. Alternative 2 would also likely result in a significant and unavoidable impact with respect to regional air emissions, based on projected trip generation.

Because Alternative 2 would not meet certain key objectives, particularly with respect to providing housing and because it would result in additional significant and unavoidable impacts, the City Council rejects further consideration of this alternative.

ALTERNATIVE 3: ALTERNATIVE LAND USE MIX

Alternative 3 would be similar to the project, except the 70,000 sq. ft. northernmost R&D uses under the project would be replaced with a 125-room hotel (potentially extended stay). It is assumed that a surface parking would be necessary to accommodate the parking requirements of the hotel. Buildout of the Nishi site under this alternative would be conducted in a manner similar to that of the project (within 5-7 years of project approval) and would depend on the outcome of a Measure J/R vote, similar to the project. Rezoning and redesignation of West Olive Drive would occur under this alternative, similar to the project.

Alternative 3 would result in a similar number and severity of impacts to that of the project. Of note, due to potential increases in vehicle trips, emissions (especially, GHG emissions) would likely increase. While it does not attain all objectives, it would attain most of the project objectives. However, the potential addition of a hotel is not a part of the objectives established for the project. Further, in the past year, the City has undertaken several economic analyses related to innovation center development, and it was determined that the replacement of R&D uses at the Nishi site with a hotel may hinder not only the project's objectives for development of R&D uses but also the City's business park goals for tech-driven development. Because this alternative would attain project objectives to the degree of the proposed project, Alternative 3 is rejected by the City Council as an infeasible alternative to the project.

ALTERNATIVE 4: OFF-SITE ALTERNATIVE

Alternative 4 would involve the redevelopment of the 5th Street Corridor site identified in the Davis Innovation Center Study prepared by Studio 30 (UC Davis Extension) in 2012. The 5th Street Corridor site is approximately 47 acres in size, similar to the Nishi site, and would allow for a similar mix of uses. It is currently developed with a mix of commercial, office, light industrial, and utility uses that would be removed as part of this alternative. It is assumed that up to 650 residential units would be located north of 5th Street with podium and surface parking, while all R&D (up to 325,000 sf), retail (up to 20,000 sf), and open space would be located south of 5th Street. Buildout of the Alternative 4 site would be conducted in a manner similar to that of the project (within 5-7 years of project approval) and would not require a Measure J/R vote as the site of Alternative 4 is currently located within the City limits. It is assumed that rezoning and redesignation of West Olive Drive would not occur under this alternative. For the purposes of the evaluation of this alternative, it is assumed that actions/design considerations similar to those identified in the project's Sustainability Implementation Plan would be implemented under this alternative, however, the feasibility of implementing these actions has not been fully evaluated. Should implementation of the project's Sustainability Implementation Plan not occur under this alternative, impacts would likely be greater than those identified in the section below.

With respect to project objectives, Alternative 4 would not be located in close enough proximity to UC Davis to create a new entry point to campus. Alternative 4 would result in less impacts compared to the project with respect to certain issues, such as exposure to adverse air quality conditions. However, Alternative 4 would result in various environmental effects, some of which are substantially greater than would occur with implementation of the project. In particular, this alternative would have substantially greater traffic impacts that would contribute to additional GHG emissions compared to the project. This significant and unavoidable GHG emissions impact would be of higher magnitude than that of the project. In addition, Alternative 4 would require demolition and relocation of several businesses and would be located close enough to the existing UPRR line such that residents would be subjected to train-related noise (i.e. horn blasts). Alternative

4 would not result in significant and unavoidable air quality impacts related to TACs and UFPs on project residents and would not result in significant and unavoidable agricultural resources impacts.

Because this alternative would not attain project objectives and for the reasons set forth above, Alternative 4 is rejected by the City Council from further consideration.

ACCESS SCENARIOS

In addition to these alternatives, the EIR included two access scenarios in the analysis of the proposed project. Access Scenario 1 included two access roads, a new potential connection between the Nishi site and Old Davis Road on the UC Davis campus, as well as access from the site to West Olive Drive. Because Access Scenario 1 involves approval in the future from UC Davis, Access Scenario 2 would include and only involves a single access, to West Olive Drive. Access Scenario 1 was identified as the preferred access scenario in the EIR. Additionally, Access Scenario 2 would involve greater impacts with respect to emergency access and emergency response (Impacts 4.8-5 and 4.14-6 in the Draft EIR). Access Scenario 2 would not attain project objectives related to mobility and circulation to the extent of Access Scenario 1, nor would it realize the alternative transportation benefits (Unitrans and additional bicycle/pedestrian routes to UC Davis) associated with Access Scenario 1. For these reason, Access Scenario 2 is rejected by the City Council from further consideration.

1.7.2 Environmentally Superior Alternative

The CEQA Guidelines Section 15126.6 states that an EIR should identify the "environmentally superior" alternative. "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." As shown in Section 7.4.1, Summary of Project Impacts, there would be significant and unavoidable impacts associated with the project. These impacts are related to air quality, noise, traffic, and GHG emissions. Compared to the project, noise impacts would be less under Alternatives 2 (Research and Development Only) and 4 (Off-site Alternative); traffic impacts would be less under Alternative 3 (Alternative Land Use); and Alternatives 2, 3, and 4 would result in greater GHG emissions impacts, and less air quality impacts. With consideration of the project and the alternatives, only Alternative 1 (No Project) would result in no significant and unavoidable impacts.

The environmentally superior alternative would be either the project under Access Scenario 1 (the "project" hereafter) or Alternative 4; Alternative 4, however, has been rejected as infeasible by the City Counsel.

1.8 FINDINGS OF FACT

The City of Davis City Council has reviewed the Final EIR for the Nishi Gateway Project, consisting of the Nishi Gateway Project Draft EIR (September 2015) and the Nishi Gateway Project Responses to Comments Draft EIR (December 2015), together which form the Final EIR. The City of Davis City Council has considered the public record on the project, which, in addition to the above documents and this Statement of Findings, is composed of the Mitigation Monitoring and Reporting Program (MMRP) for the Nishi Gateway Project EIR Evaluation, December 2015. The MMRP meets the requirements of Section 21081.6 of the PRC by providing a monitoring plan designed to ensure compliance during project implementation with mitigation measures adopted by the City.

All relevant project documents are on file at the City of Davis, 23 Russell Boulevard, Suite 2, Davis, California, 95616.

Pursuant to PRC Section 21081, for each significant effect identified in the EIR, the City must make one or more of the findings described in Section 1.1 of this document.

After reviewing the public record, composed of the aforementioned elements, the City of Davis City Council hereby makes the following findings regarding the significant effects of the proposed project, pursuant to PRC Section 21081 and Section 15091 of the CEQA Guidelines. The numeric references for each impact refer to the impact/mitigation label included in the EIR. Several of the mitigation measures listed below have been summarized herein. Please refer to the MMRP (Attachment A) for the full text of all mitigation measures to be implemented.

1.8.1 Significant Impacts Associated with Development of the Nishi Gateway Project

AESTHETICS AND VISUAL RESOURCES

Nishi Site

Significant Effect: Impact 4.1-2: Light and glare impacts

The proposed development at the Nishi site would include indoor lighting and outdoor lighting and solar panels, which could contribute additional light and glare, respectively, to the surrounding area. New sources of night lighting would be similar in scale and intensity to surrounding development. The majority of solar panels at the Nishi site would be installed on building rooftops and above the line of sight of motorists and the built environment. However, depending on the angle of proposed solar panels within on-site surface parking lots motorists along I-80 could experience glare conditions. As a result, this is a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measure that will reduce impacts related to light and glare impacts to a less-than-significant level.

> **Mitigation Measure 4.1-2**
>
> Within the proposed surface parking lots, the applicant shall select and install solar panels that minimize reflective surfaces, either through glazing or use of non-reflective materials. All surface parking solar facilities shall be installed such that the angle of solar panels does not direct glare at motorists along I-80. The applicant shall prepare a technical report verifying the selected angle and material of the solar panels for review and approval by the City before installation.

These measures will substantially reduce potential aesthetic impacts and the impact would be less-than-significant level.

AGRICULTURAL AND FOREST RESOURCES

Nishi Site

Significant Effect: Impact 4.2-1: Convert Important Farmlands to non-agricultural use, or involve changes in the existing environment that could result in conversion of Important Farmland to non-agricultural use, and

Significant Effect: Impact 4.2-2: Conflict with existing zoning for agricultural use or result in the loss or conversion of agricultural land to non-agricultural use.

These two significant impacts are related to each other and are therefore considered together in these findings.

The Nishi site is within the City of Davis' Sphere of Influence and currently zoned for agricultural use by Yolo County. As part of the project approvals required for implementation, the zoning of the site would be changed from County A-N to City P-D. This zoning designation allows for project-specific regulations to enable a diverse mix of urban, non-agricultural uses.

The Nishi site is not designated as Prime, Unique, or Farmland of Statewide importance by the FMMP. However, development of the site would result in a loss of farmland that was determined to be of high agricultural importance based on land suitability and site assessment criteria. The project would convert 43.5 acres of agricultural land to urban uses. The project would be required to comply with City Municipal Code Article 40A.03 that requires the purchase of compensatory agricultural lands at a 2:1 ratio compared to those lost/converted. Because the project would result in the conversion of active agricultural land to urban uses, this is a significant impact. Further, development of the site could include decommissioning of the existing well that supplies water to the residence associated with the prime farmland south of I-80, which could indirectly influence conversion of Important Farmlands through the loss of irrigation supply. As a result, this is a significant impact.

Finding

Changes or alterations, which substantially reduce the significant effects of the conversion of Important Farmlands to non-agricultural use, or involve changes in the existing environment that could result in conversion of Important Farmland to non-agricultural use have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects by preserving other farmland and ensuring that existing water supplies to the off-site Prime Farmland are not affected by project implementation, none of the measures would reduce the net loss of high-value agricultural land such that a significant impact would no longer occur. Alternative 1 (no project) and Alternative 4 (offsite development) would avoid these impacts, but each of these alternatives have been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measure that will reduce impacts related to converting Important Farmlands to non-agricultural use, or involves changes in the existing environment that could result in conversion of Important Farmland to non-agricultural use, but not to a less-than-significant level.

Mitigation Measure 4.2-1

Prior to removal of the existing well on the Nishi site, the applicant shall install an alternative potable water source (i.e. a new groundwater well) south of I-80, proximate to and with a direct connection to

the existing farmland associated with the existing well at the Nishi site, as allowed by the current Grant Deed for the Nishi site. The replacement well shall have the capacity to provide the same amount and quality of water to the farmland as the existing well. The applicant shall be responsible for procurement of all permits and well installation.

Implementation of Mitigation Measure 4.2-1 will avoid impacts to agricultural land south of the project and, more specifically, would mitigate the potential indirect impacts to off-site Important Farmland by ensuring that existing water supplies to the off-site Prime Farmland are not affected by project implementation. Further, adherence to City Municipal Code Section 40A.03 would require 2:1 purchase and preservation of other agricultural land. Compensatory lands may be located anywhere within the City Planning Area, subject to approval by the City Council, with a credit factor based on location of the mitigation property. Nonetheless, the project would result in the net loss of agricultural land associated with the conversion of on-site agricultural uses to urban uses.

No feasible mitigation measure or alternatives are available to reduce the above impacts to less than significant. As a result, this impact would remain significant and unavoidable.

AIR QUALITY

Nishi Site

Significant Effect: Impact 4.3-2: Long-term operational emissions of reactive organic gas (ROG), nitrous oxide (NO_x), and particulate matter (PM_{10} and $PM_{2.5}$).

Operational activities associated with the Nishi-Gateway development would result in long-term project-generated emissions of air pollutants, particularly reactive organic gases (ROG). Long-term, operational emissions could exceed Yolo Solano Air Quality Management District (YSAQMD) significance thresholds for ROG, but would not exceed YSAQMD thresholds for NO_X and PM_{10}. Thus, long-term operational emissions of NO_X could conflict with the air quality planning efforts and contribute substantially to the nonattainment status of Yolo County with respect to the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for ozone. This would be a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts on long-term operational emissions of ROG, NO_X, PM_{10} and $PM_{2.5}$ to less-than-significant levels.

> **Mitigation Measure 4.14-5 related to transportation, (vehicle miles traveled or VMT), as described below under Impact 4.14-5.**

Emissions reductions from Mitigation Measure 4.14-5 were calculated by taking the difference in ROG emissions resulting from unmitigated and mitigated (per measure 4.14-5) VMT levels. Emissions from both VMT levels were calculated using the same method described above. Mitigation of this impact would reduce annual ROG emissions to 9.7 tons per year, which is below the air district significance thresholds. Thus, the application of Mitigation Measure 4.14-5 would reduce annual ROG emissions to a less-than-significant impact with mitigation.

Significant Effect: Impact 4.3-5: Land use compatibility with off-site sources of toxic air contaminants (TACs) and ultrafine particulates (UFPs).

The project would place residents in close proximity to multiple existing sources of TACs and UFPs. The level of health risk associated with exposure to TACs from local stationary sources and train engines passing on

the nearby rail line would not be substantial. However, residential receptors located on the Nishi site could be exposed to relatively high concentrations of diesel particulate matter (DPM) and UFPs generated by vehicles traveling on I-80 resulting in substantial levels of health risk. This would be a significant impact.

Finding

Changes or alterations, which substantially reduce the significant effects of exposure to TACs and UFPs have been required in, or incorporated into, the project by the City of Davis. Although these measures will reduce UFPs and diesel PM levels, the level of effectiveness cannot be quantified. Alternative 1 (no project), Alternative 2 (no residences) and Alternative 4 (offsite development) would avoid these impacts, but each of these alternatives have been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

While Mitigation Measures 4.3-5a, 4.3-5b, and 4.3-5c are expected to result in substantial reductions to exposure levels of UFPs and diesel PM, the level of effectiveness cannot be quantified. For this reason, and because "safe" levels of UFP exposure and diesel PM exposure have not been identified by any applicable agency, or by a consensus of scientific literature, this analysis concludes that resultant levels UFP exposure and diesel PM on the project site could potentially result in substantial increase in health risks. Therefore, this impact would be significant and unavoidable.

> **Mitigation Measure 4.3-5a**
>
> All residential buildings shall be located as far as feasible from I-80, and no residential buildings shall be located on the southwest portion of the project site along the elevated segment of I-80. Residential buildings shall be sited more distant from I-80 than non-residential buildings, including parking garages, such that the non-residential structures serve as a barrier between I-80 and the residential buildings. In addition, for-sale residential units, where individuals typically reside for a longer period of time than rental units, shall be located more distant from I-80 than rental residential units.
>
> **Mitigation Measure 4.3-5b**
>
> This mitigation measure requires the implementation of a comprehensive tree planting and maintenance plan to minimize TAC concentrations levels in outdoor areas of the project site. Per the mitigation measure, a vegetative barrier, which may consist of multiple, staggered rows of trees, shall be planted along I-80, as well as additional trees within the interior of the site for the purposes of filtering UFP, $PM_{2.5}$, and PM_{10}, as well as irrigation/maintenance needs, growth rate, and canopy cover.
>
> **Mitigation Measure 4.3-5c**
>
> Each on-site structure shall include an air filtration system that will remove at least 95 percent for UFP. This may be achieved through strategic placement of intakes, positively-pressured buildings, double-door entrances, and high-volume, low-pressure-drop air exchange systems.

Locating residential buildings further from I-80 than non-residential buildings, as required by Mitigation Measure 4.3-5a, would reduce health risk exposure to residential areas where people typically spend more time than non-residential uses. It should be noted that the current land plan meets the requirements of this measure. Locating for-sale residential units more distant from I-80 than rental units, also required by Mitigation Measure 4.3-5a, is expected to provide more protection at for-sale units where individuals typically reside for a longer period of time. Further, vegetative barriers have been found to reduce concentrations of very fine particles during wind tunnel studies. In addition to requiring UFP filtration systems with a minimal removal rate of 95 percent to reduce indoor concentrations of UFP, Mitigation Measure 4.3-5c would also result in a substantial reduction to indoor concentrations of diesel PM.

BIOLOGICAL RESOURCES

Nishi Site

Significant Effect: Impact 4.4-1: Disturbance or loss of special-status plants.

Development of the Nishi site would result in removal of California black walnut trees and conversion of habitat that provides suitable habitat for California black walnut. Loss of California black walnut trees would be a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts on the disturbance or loss of special-status plants to less-than-significant levels.

> **Mitigation Measure 4.4-1**
>
> The applicant shall avoid removal/damage to California black walnut trees (healthy or in need of training/trimming), including prohibition of heavy equipment operation within the drip line. In the event that a tree must be removed, replacement trees shall be provided at a 2:1 ratio and monitored with remedial planting for a 5-year period after initial planting.

Based on the location of California black walnut trees, avoidance (as stipulated by Mitigation Measure 4.4-1) would prevent the loss of existing sensitive plants on-site. However in the event that removal is required, further implementation of Mitigation Measure 4.4-1 would ensure replacement of any removed California black walnut trees at a minimum of a 2:1 ratio such that there would be no net loss of California black walnuts within the Nishi site. As no net loss of special status plants would occur, this impact would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-2: Impacts to valley elderberry longhorn beetle.

Development of the Nishi site would occur in the vicinity of observed elderberry shrubs, which are known to provide habitat for valley elderberry longhorn beetle. The proximity of construction activities to the existing construction work associated with development of the Nishi site could occur within 100 feet of known elderberry shrubs that may serve as habitat for valley elderberry longhorn beetle, g shrubs, indirect impacts to the shrubs and potential beetles or beetle larvae could occur. As a result, impacts are considered potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to valley elderberry longhorn beetle to less-than-significant levels.

> **Mitigation Measure 4.4-2**
>
> The applicant shall maintain a 100-foot buffer between construction activities and nearby elderberry shrubs. Project activities may occur up to 20 feet from the dripline of elderberry shrubs, pending consultation with the US Fish and Wildlife Service (USFWS) and with the use of flagging, additional dust control, and signage.

Through implementation of Mitigation Measure 4.4-2, the applicant would avoid or minimize direct or indirect impacts to shrubs through the establishment of buffers and fencing. As a result, direct (i.e., removal) or indirect impacts (i.e., hydrology changes, dust deposition, etc.) are not anticipated to occur. Because potential effects on valley elderberry longhorn beetle would be avoided in accordance with the Conservation Guidelines, impacts would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-3: Impacts to special status bat species.

Although no bats or roosts were observed during the reconnaissance surveys, the mature trees within the Nishi site may provide suitable roosting habitat for special-status bats such as pallid bat, silver-haired bat and hoary bat. Development of the Nishi site could disturb roosts for special-status bats in the area. It is unknown whether bats roost in trees that would be removed from the site. Therefore, removal of on-site trees would result in a potentially significant impact to several species of bats.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to special status bat species to less-than-significant levels.

Mitigation Measure 4.4-3

The applicant shall conduct preconstruction surveys for roosting bats. If an active roost is found, the applicant shall establish a 100-foot buffer from project activities around the roost. If project activities must occur closer than 100 feet (i.e. roosts will be affected by the project), a Bat Exclusion Plan will be developed and implemented by the project applicant and reviewed/approved by the City.

Implementation of Mitigation Measure 4.4-3 would avoid or minimize impacts to special-status bats through avoidance or exclusion, thereby insuring that project implementation would not result in the direct mortality of such species. As a result, impacts would be reduced to a less-than-significant level.

Significant Effect: Impact 4.4-4: Impacts to Swainson's hawk.

Development of the Nishi site would result in a reduction in available foraging habitat for Swainson's hawk as a result of conversion of agricultural land. Additionally, Swainson's hawk could nest on or near the project, and construction activities associated with the project could result in the direct loss of special-status wildlife or temporary disruption of wildlife feeding and/or breeding behavior. Loss of foraging habitat and disturbance or loss of special-status wildlife species would be a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to Swainson's hawk to less-than-significant levels.

Mitigation Measure 4.4-4a

The applicant shall retain a qualified biologist, who shall conduct preconstruction surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000) and/or currently accepted guidance/industry standards, subject to City of Davis review and approval. If an active nest(s) are discovered, appropriate buffers shall be established from project activities. Before commencement of construction, the applicant shall also provide compensatory mitigation for the loss of approximately 46 acres of Swainson's hawk foraging habitat to the Yolo Habitat Conservancy (formerly HCP/NCCPJPA) in accordance with their Swainson's Hawk

Interim Mitigation Program. If the project is implemented after adoption of the YNHP, in lieu of this measure, the applicant will comply with the requirements of the YNHP.

Implementation of Mitigation Measure 4.4-4a would ensure no direct impacts to nesting Swainson's hawk and would provide compensatory mitigation in accordance with an established program for the mitigation of loss of Swainson's hawk foraging habitat, thereby reducing impacts associated with development of the Nishi site on Swainson's hawk to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-5: Impacts to burrowing owl.

On-site vegetation within the Nishi site could provide potential nesting habitat for burrowing owl. As a result, construction activities associated with development of the Nishi site could result in the direct loss of burrowing owl and/or temporary disruption of wildlife feeding and/or breeding behavior. The potential impacts from construction activities would vary depending on the location and timing of construction. Disturbance or loss of active burrowing owl nests would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to burrowing owl to less-than-significant levels.

Mitigation Measure 4.4-5a

The applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls in areas supporting potentially suitable habitat (sparsely vegetated areas and those containing suitable burrows) no more than 30 days before the start of construction activities that could affect the subject areas. If burrowing owls are detected during the nesting season, appropriate buffers shall be established around occupied burrows in accordance with guidance provided in the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation. Outside of the nesting season, passive owl relocation techniques shall be implemented, if approved by CDFW.

Mitigation Measure 4.4-5b

If active burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat consistent with the Staff Report on Burrowing Owl Mitigation.

Implementation of Mitigation Measures 4.4-5a and 4.4-5b would require pre-construction surveys of the Nishi site to identify potential nesting burrowing owls. If active nest sites are found, no-disturbance buffers would be established to ensure that breeding/nesting would not be disrupted or adversely impacted by construction, and as a result, this impact would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-6: Impacts to other special status nesting birds and raptors.

Development of the Nishi site would result in impacts to land cover types such as agricultural land, and remnant riparian area that provide nesting opportunities for birds and potential habitat for special status bird and raptor species. Construction activities within the Nishi site, especially vegetation removal, could result in the direct impacts these bird and/or raptor species. The potential impacts from construction activities would vary depending on the location and timing of construction. The disturbance or loss of an active nest or special-status bird or raptor species would be a potentially significant impact.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to other special status nesting birds and raptors to less-than-significant levels.

> **Mitigation Measure 4.4-6**
>
> For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for special status nesting birds and raptors no less than 14 days before the start of ground disturbing activities. If nests are detected, the project biologist shall establish appropriate no-disturbance buffers around each until the nest is no longer active or the young have fledged. The size of the buffer may be adjusted by the project biologist if, in consultation with CDFW, it is determined that such as adjustment would not be likely to adversely affect the nest.

Implementation of Mitigation Measure 4.4-6 would require pre-construction surveys of the Nishi site to identify active bird and raptor nests. If active nest sites are found, the above-listed mitigation would require the establishment of no-disturbance buffers to ensure that breeding/nesting is not likely to be disrupted or adversely impacted by construction, and as a result, this impact would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-7: Loss of riparian habitat and fill of waters of the U.S. during construction.

Implementation of the proposed development of Nishi site would result in the extension of West Olive Drive over the old north fork of Putah Creek which will require removal of the existing crossing and removal of remnant riparian vegetation. In turn, this could result in the placement of fill material into waters of the U.S. or waters of the State. The loss of remnant riparian and potential wetland habitat as a result of development of the Nishi site is a potentially significant impact.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to riparian habitat and fill of waters of the U.S. during construction to less-than-significant levels.

> **Mitigation Measure 4.4-7**
>
> Prior to initiation of construction, the applicant shall retain a qualified wetland specialist who shall prepare a jurisdictional wetland delineation for both waters of the U.S. and waters of the State in sensitive areas that cannot be avoided. The preliminary delineation shall be submitted to US Army Corps of Engineers (USACE) for verification. If determined to qualify as a water of the US or state, the applicant shall apply for appropriate permits pursuant to the Clean Water Act. CDFW shall be consulted and a Lake and Streambed Alteration Agreement notification shall be prepared, if necessary.

Significant impacts associated with loss of riparian habitat and fill material into waters of the U.S. and waters of the State would be reduced to a less-than-significant level by providing replacement, restoration or enhancement habitat of equal or greater value.

West Olive Drive

Potentially Significant Effect: Impact 4.4-1: Disturbance or loss of special-status plants.

The redesignation/rezoning of parcels located along West Olive Drive from Commercial Service to Neighborhood Mixed Use would allow for redevelopment of this area that could result in the removal of special-status plants. Because of existing urban/industrial uses and lack of habitat, it is unlikely that special-status herbaceous plants would be present; however special-status trees could occur within West Olive Drive. Loss of special-status trees would be considered a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts on disturbance or loss of special-status plants to less-than-significant levels.

Mitigation Measure 4.4-1, as described above for the Nishi site.

As noted above for the Nishi site, implementation of Mitigation Measure 4.4-1 would ensure that any California black walnut trees located within West Olive Drive would be protected during and after construction and any removal of special-status trees would necessitate replacement at a 2:1 ratio, thereby ensuring no net loss. As a result, impacts would be reduced to less than significant.

Potentially Significant Effect: Impact 4.4-2: Impacts to valley elderberry longhorn beetle.

Potential redevelopment of West Olive Drive could result in construction activities occurring proximate to elderberry shrubs located within the Putah Creek Channel. Depending on the proximity of construction activities to the existing shrubs, indirect impacts to the shrubs and potential beetles or beetle larvae could occur. As a result, impacts are considered potentially significant

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to valley elderberry longhorn beetle to less-than-significant levels.

Mitigation Measure 4.4-2, as described above for the Nishi site.

As noted above for the Nishi site, implementation of Mitigation Measure 4.4-2 would avoid or minimize direct and indirect impacts to shrubs through the establishment of buffers and fencing. As a result, direct (i.e., removal) or indirect impacts (i.e., hydrology changes, dust deposition, etc.) are not anticipated to occur. Because potential effects on valley elderberry longhorn beetle would be avoided in accordance with the Conservation Guidelines, impacts would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-3: Impacts to special status bat species.

Redevelopment within West Olive Drive as a result of the proposed redesignation/rezoning could result in impacts to special status bats during construction activities. Disturbance or loss of special-status bats during construction activities would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to special status bat species to less-than-significant levels.

> **Mitigation Measure 4.4-3, as described above for the Nishi site.**

As noted above for the Nishi site, implementation of Mitigation Measure 4.4-3 would avoid or minimize impacts to special-status bats through avoidance or exclusion, thereby ensuring that project implementation would not result in the direct mortality of such species. As a result, impacts would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-4: Impacts to Swainson's hawk.

West Olive Drive does not represent potential foraging habitat for Swainson's hawk, however, it is possible that Swainson's hawk may establish a nest(s) in an existing tree within this portion of the project site. Construction activities associated with redevelopment of West Olive Drive could result in the direct loss of disturbance of such a nest. Disturbance or loss of special-status wildlife species would be a potentially significant impact.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to Swainson's hawk to less-than-significant levels.

> **Mitigation Measure 4.4-4b**
>
> The applicant shall retain a qualified biologist, who shall conduct preconstruction surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000) and/or currently accepted guidance/industry standards, subject to City of Davis review and approval. If an active nest(s) are discovered, appropriate buffers shall be established from project activities. If removal of a nest tree is required, removal shall take place outside of the nesting season and the tree shall be replaced at a ratio of 3:1 and monitored with remedial planting for a 5-year period after initial planting.

Implementation of Mitigation Measure 4.4-4b would ensure no direct impacts to nesting Swainson's hawk, thereby reducing impacts associated with redevelopment of West Olive Drive on Swainson's hawk to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-5: Impacts to burrowing owl.

The redesignation/rezoning of parcels located along West Olive Drive from Commercial Service to Neighborhood Mixed Use would not result in the removal of potential active burrowing owl nest sites. However, construction associated with redevelopment of West Olive Drive could result in indirect impacts to nearby nesting habitat and potential nests. While impacts would be considered temporary, construction within West Olive Drive that results in the disturbance or loss of an active burrowing owl nest would be a potentially significant impact.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to burrowing owl to less-than-significant levels.

Mitigation Measure 4.4-5c

The applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls in areas supporting potentially suitable habitat (sparsely vegetated areas and those containing suitable burrows) no more than 30 days before the start of construction activities that could affect the subject areas. If burrowing owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation. This guidance includes buffers around occupied burrows shall be a minimum of 656 feet (200 meters) during the nesting season, and 160 feet (100 meters) during the non-breeding season unless otherwise approved by CDFW.

Implementation of Mitigation Measure 4.4-5c would require pre-construction surveys to identify potential nesting burrowing owls. If active nest sites are found, no-disturbance buffers would be established to ensure that breeding/nesting would not be disrupted or adversely impacted by construction, and as a result, this impact would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-6: Impacts to other special status nesting birds and raptors.

The redesignation/rezoning of parcels located along West Olive Drive from Commercial Service to Neighborhood Mixed Use could result in impacts to existing trees and remnant riparian area that provide habitat for special status bird and raptor species. Construction associated with redevelopment of West Olive Drive could result in direct and indirect impacts to nests that may establish within on-site trees and other areas. The disturbance or loss of special-status bird or raptor species would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to other special status nesting birds and raptors to less-than-significant levels.

Mitigation Measure 4.4-6, as described above for the Nishi site.

Implementation of Mitigation Measure 4.4-6 would require pre-construction surveys to identify potential nests within West Olive Drive. If active nest sites are found, no-disturbance buffers would be established to ensure that breeding/nesting would not be disrupted or adversely impacted by construction, and as a result, this impact would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.4-7: Loss of riparian habitat and fill of waters of the U.S. during construction.

The redesignation/rezoning of parcels located along the north bank of the old north fork of Putah Creek in the West Olive Drive area would allow for redevelopment of this area which could result in construction within the remnant riparian area and Putah Creek channel. As a result, redevelopment of West Olive Drive could result in the placement of fill material into waters of the U.S. or waters of the State. This would be considered a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to riparian habitat and fill of waters of the U.S. during construction to less-than-significant levels.

Mitigation Measure 4.4-7, as described above for the Nishi site.

Significant impacts associated with loss of riparian habitat and fill material into waters of the U.S. and waters of the State would be reduced to a less-than-significant level by providing replacement, restoration or enhancement habitat of equal or greater value.

CULTURAL RESOURCES

Nishi Site

Potentially Significant Effect: Impact 4.5-1: Disturb unique archaeological resources.

Based on the results of the archaeological records search and survey, there are no known archaeological resources on the Nishi site. Project-related ground-disturbing activities could result in uncovering currently unknown resources and cause a substantial change in the significance of an as yet undiscovered unique archaeological resource as defined in CEQA Guidelines Section 15064.5. This would be a potentially significant impact.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to unique archaeological resources to less-than-significant levels.

Mitigation Measure 4.5-1a

Prior to initiation of vegetation removal/grading, the applicant shall retain a Registered Professional Archaeologist meeting the Secretary of Interior's qualifications standards for prehistoric and historical archaeology to perform auger testing on the Nishi site. The objective of the auger testing is to refine specific areas where monitoring for buried (subsurface) archaeological material within specific areas of the Nishi site shall be required. A series of auger holes will be completed by a manual spiral auger and soil from each auger will be processed through 1/8 inch hardware mesh. All recovered cultural material will be recorded with respect to the specific auger and estimated depth. Excavation results, including soil description, will be recorded on field forms. Following the auger testing, a report will be prepared that describes study methods, recovered data, and conclusions.

If the auger testing and associated report reveal any cultural material or areas where soils have been determined likely to conceal cultural deposits, construction monitoring (by both a Native American resources monitor and qualified archaeologist) shall occur in these areas as recommended by a qualified archaeologist.

Mitigation Measures 4.5-1b

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources

are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block-unit excavation and data recovery.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to PRC Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.993), the archaeologist shall recommend to the applicant potentially feasible procedures that would preserve the integrity of the site or minimize impacts on it.

Implementation of Mitigation Measures 4.5-1a and 4.5-1b would reduce potentially significant impacts to known and currently undiscovered archaeological resources because actions would be taken to avoid, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.5-2: Accidental discovery of human remains.

Although records searches revealed no documented graves within the Nishi site, Native American remains have been identified at archaeological sites near the Nishi site. Therefore, construction and excavation activities associated with development of the Nishi Site could unearth previously undiscovered or unrecorded human remains, if they are present. This impact would be potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with the accidental discovery of human remains to less-than-significant levels.

Mitigation Measure 4.5-2

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097.

If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Yolo County coroner and the NAHC immediately, according to Section 5097.98 of the PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner's and NAHC's findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Implementation of Mitigation Measure 4.5-2 would reduce potentially significant impacts to human remains because actions would be implemented to avoid, move, record, or otherwise treat the remains appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid or minimize the

disturbance of human remains, and to appropriately treat any remains that are discovered, this impact would be reduced to a less-than-significant level.

West Olive Drive

Potentially Significant Effect: Impact 4.5-1: Disturb unique archaeological resources.

Based on the results of the archaeological records search, there are no known archaeological resources within West Olive Drive but a recent monitoring report revealed one potential resource. Project-related ground-disturbing activities could cause a substantial change in the significance of an as yet undiscovered unique archaeological resource as defined in CEQA Guidelines Section 15064.5. This would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts to unique archaeological resources to less-than-significant levels.

Mitigation Measure 4.5-1b, as described above for the Nishi site.

Implementation Mitigation Measure 4.5-1b would reduce impacts associated with archaeological resources to a less-than-significant level because it requires the performance of professionally accepted and legally compliant procedures for the discovery of previously undocumented significant archaeological resources.

Potentially Significant Effect: Impact 4.5-2: Accidental discovery of human remains.

Although unlikely, construction and excavation activities associated with project development could unearth previously undiscovered or unrecorded human remains, if they are present. This impact would be potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with the accidental discovery of human remains to less-than-significant levels.

Mitigation Measure 4.5-2, as described above for the Nishi site.

Implementation of Mitigation Measure 4.5-2 would reduce potentially significant impacts to human remains because actions would be implemented to avoid, move, record, or otherwise treat the remains appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered, this impact would be reduced to a less-than-significant level.

GREENHOUSE GAS EMISSIONS, CLIMATE CHANGE, AND ENERGY

Nishi Site

Potentially Significant Effect: Impact 4.7-2: Considerably contribute to climate change through project-generated greenhouse gas emissions during operation.

Annual GHG emissions from project operation would exceed YSAQMD-recommended emission threshold of 1,100 MT CO_2e/year. Despite the development's energy efficient design and ideal location close to major destinations in the City, such as UC Davis and downtown Davis, there is no guarantee that future emissions generated by the development could be net zero carbon by 2050. Therefore, operation of the project has the potential to result in a substantial contribution to GHG emissions. This impact would be potentially significant.

Finding

Changes or alterations, which substantially reduce the significant effects associated with greenhouse gas emissions have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects to greenhouse gases, it may not be feasible to meet all City of Davis CAAP targets. Alternative 1 (no project) would avoid these impacts, but this alternative has been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

Through the implementation of Mitigation Measure 4.14-5, which requires the development and implementation of a transportation demand management program, the Nishi development could reduce VMT generated by the project by up to 20 percent from 45,200 to 36,160 daily VMT. This could reduce mobile source emissions to 8,746 $MTCO_2e$ in 2022. Using ARB-forecasted vehicle emission factors, these emissions could be reduced to 7,328 $MTCO_2e$ by 2050. Additional incentives for low-carbon vehicles, such as electric charging stations, could reduce emissions further by increasing the percentage of vehicles that emit lower GHG emissions per mile, but these estimates are qualitative. Implementation of Mitigation Measures 4.7-2a and 4.7-2b sets GHG reduction targets and accountability for the Nishi Development, but would not guarantee reductions that show that the development would be able to achieve the City's carbon neutral target by 2050. Therefore, this impact would be significant and unavoidable.

Mitigation Measure 4.14-5, as described below.

Mitigation Measure 4.7-2a

Each individual project or subdivision developed/constructed as a part of the Nishi Gateway Project shall demonstrate consistency with the D-CAAP by achieving a downward trajectory in GHG emissions, towards the City goal of zero net GHG emissions by the year 2050. The project must achieve the target in place for the year in which the application (for any development within the Nishi site) is filed. If additional reductions in GHG emissions are necessary to achieve the appropriate target, shall identify and implement feasible actions to achieve the required reductions using the following priority:

First priority – building specific actions

Second priority – onsite (within Nishi site) actions

Third priority – community based (within Davis) actions

Fourth priority – pay GHG reduction fees (carbon offsets) into a qualified existing local program, if one is in place

Fifth priority – other demonstrated method of reducing emissions

The project applicant must provide technical documentation (including modeling) to the City for verification that identifies how the desired reductions will be achieved.

Mitigation Measure 4.7-2b

Every 5 years, the Nishi development shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the entire innovation center. The report shall be submitted by 12/31 of each fifth year starting in 2020. First report due by 12/31/20, second report due by 12/31/25, etc., through 2050. The report shall identify the projected annual GHG emissions for the Nishi development, total and by sector, from the project EIR; GHG emissions from all uses collectively operating at the Nishi development, total and by sector, at the time of reporting; GHG emissions from each occupied building within the Nishi development, total and by sector; Summary of prior TMCs and 5-year reports; Running total of Nishi development emissions reductions and reduction credits, in total and by building; and a comprehensive database and summary of implemented reduction actions.

Implementation of Mitigation Measures 4.7-2a and 4.7-2b would not guarantee reductions that show that the development would be able to achieve the City's carbon neutral target by 2050. Therefore, this impact would be significant and unavoidable.

Potentially Significant Effect: Impact 4.7-3: Conflict with or impede attainment of goals established in applicable climate action plans or greenhouse gas reduction plans.

Operation of the Nishi development would not conflict with or impede the goals of EO B-30-15 or the D-CAAP. However, unmitigated emissions from the proposed Nishi development would exceed AB 32 2020 reduction targets. Thus, this impact is potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with the climate action plan and greenhouse gas reduction plan emission reduction targets to less-than-significant levels.

Mitigation Measure 4.14-5, as described below.

Through the implementation of Mitigation Measure 4.14-5, which requires the development and implementation of a transportation demand management program, the project would reduce VMT generated by the project by up to 25 percent from 45,200 to 36,160 daily VMT. This would reduce mobile source emissions to 8,746 $MTCO_2e$ in 2022. This reduction would result in transportation-based emissions of 3.1 MT CO_2e per capita per year or 18.8 lbs CO_2e per capita per day, meeting SACOG's 2035 regional target of 19.7 lbs CO_2e per capita per day for mobile source GHG emissions. As a result, mitigated transportation-related GHG emissions would not exceed SACOG's 2020 and 2035 targets As a result, implementation of Mitigation Measure 4.14-5 would reduce this impact to less than significant.

West Olive Drive

Potentially Significant Effect: Impact 4.7-2: Considerably contribute to climate change through project-generated greenhouse gas emissions during operation.

The operation of potential redevelopment of uses within West Olive Drive could increase GHG emissions compared to existing conditions depending on the type and size of land uses that could be on site as well as the type and size of land use that may be replaced. Redevelopment of West Olive Drive has the potential to

increase the intensity of current land uses either by building more densely or just serving a growing population resulting in the potential for increased GHG emissions over existing conditions. Therefore, this would be a potentially significant impact.

Finding
Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Facts in Support of Finding
Based on the anticipated size of redevelopment opportunities within West Olive Drive, potential redevelopment will not be able to implement effective TDM measures in and of itself. While redevelopment would take advantage of TDM implemented with respect to the Nishi site, additional opportunities as outlined in Mitigation Measure 4.14-5 are considered infeasible. Further, subsequent reporting and offsetting of potential GHG emissions is similarly considered infeasible for the purposes of reducing GHG emissions related to redevelopment within West Olive Drive.

Potentially Significant Effect: Impact 4.7-3: Conflict with or impede attainment of goals established in applicable climate action plans or greenhouse gas reduction plans.

Redevelopment of West Olive Drive has the potential to increase the intensity of current land uses, either by building more densely or serving a growing population. There is no guarantee of whether new land uses would impede or be inconsistent with AB32, EO B-15-30, SACOG MTP/SCS per capita targets, or the D-CAAP. Therefore, this impact is potentially significant.

Finding
Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Facts in Support of Finding
While dedicated GHG reduction targets detailed in the mitigation measures would allow the redevelopment to be consistent with the goals of AB32, EO B-15-30, and the D-CAAP, it remains to be seen whether future proposed land uses along West Olive Drive would be able to apply applicable TDM measures from Mitigation Measure 4.14-5. Additionally, financial constraints related to the reporting and potential further reduction of GHG emissions as a result of subsequent reporting, implementation of Mitigation Measure 4.7-2a, 4.7-2b, and 4.14-5 are considered infeasible with respect to potential redevelopment of West Olive Drive. Due to the uncertainty related to the ability of West Olive Drive redevelopment to achieve SACOG MTP/SCS per capita transportation emission targets, this impact would be significant and unavoidable.

HAZARDS AND HAZARDOUS MATERIALS

Nishi Site

Potentially Significant Effect: Impact 4.8-2: Result in the release of hazardous materials from a site of known or potential contamination.

Due to the proximity of documented contamination sites, historical land use within the project site, and the site's proximity to a major roadway and the railroad tracks, previously unknown hazardous materials could be encountered during construction. This would be a potentially significant impact.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with the release of hazardous materials from a site of known or potential contamination to less-than-significant levels.

Mitigation Measure 4.8-2a

Prior to initiation of grading or other groundwork, the applicant shall conduct soil sampling within the boundaries of the project site. If the results indicate that contamination exists at levels above regulatory action standards, then the site will be remediated in accordance with recommendations made by applicable regulatory agencies.

Mitigation Measure 4.8-2b

Prior to initiation of grading or other groundwork, the applicant shall provide a hazardous materials contingency plan to Yolo County Environmental Health Department. The plan will describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material.

Mitigation Measure 4.8-2c

Prior to any ground disturbance activities within 50 feet of the well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit and properly abandon the on-site well, pursuant to review and approval by the City Engineer and the Yolo County Environmental Health Department. Well abandonment shall be completed before mass grading within 50 feet of the well.

With implementation of Mitigation Measures 4.8-2a, soil conditions on-site would be confirmed before development and any identified contamination would be appropriately remediated. Mitigation Measure 4.8-2b would establish a contingency plan that would describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction, including cessation of work until the potential contamination is characterized and properly contained or remediated. Mitigation Measure 4.8-2c would minimize the potential for an accidental release of hazardous materials as a result of construction activities in the vicinity of an existing potable water well. Through implementation of these measures, the applicant would be required to conduct focused study the site soils and remediate any contaminated soils found before construction, as well as establish a plan to carry out similar actions if additional evidence of potential contamination is identified during construction. Following implementation of these mitigation measures, the project would have a less-than-significant impact because of potential release of hazardous materials from a site of known or potential contamination.

Potentially Significant Effect: Impact 4.8-5: Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

The project would not impair implementation of an adopted emergency response or evacuation plan. Once developed, the site would have adequate access to afford evacuation of residents in the event of a hazardous materials event, however, prior to completion of Phase 2 of construction for Access Scenario 1, before completion of the connection to Old Davis Road on the UC Davis campus, only one emergency vehicle access point may be available. Further, during construction, disruption of area roadways may hinder traffic flow (e.g., Richards Boulevard and intersection of Richards Boulevard and Olive Drive), which could negatively affect emergency response. This would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The EIR stated that, prior to completion of Phase 2 of Access Scenario 1, there may only be one emergency vehicle access point to and from the Nishi site, which could hinder emergency response. The EIR recommended implementation of mitigation measures to reduce the potential of impairing implementation of, or physically interfering with an adopted emergency response plan or emergency evacuation plan. The City Council, however, has modified the approved project to require that no occupancy would be allowed until both the West Olive Drive and Old Davis Road connections are provided. Therefore, the potential impact during operation of on-site uses would no longer be significant and Mitigation Measure 4.8-5 is not required.

During construction, there is a potential that temporary roadway closures and other construction activities could impair emergency response. Preparation and implementation of a Construction Traffic Management Plan, as required by Mitigation Measure 4.14-7, would adequately address any potential conflicts with emergency access during construction by communicating proposed lane and road closures with first responders and allowing first responders to plan accordingly to ensure that emergency response times and maintain adequate emergency access.

Mitigation Measure 4.14-7, as described below

As a result of implementation of Mitigation Measure 4.14-7 and the aforementioned condition of approval, impacts would be less than significant.

West Olive Drive

Potentially Significant Effect: Impact 4.8-2: Result in the release of hazardous materials from a site of known or potential contamination.

Although there is no known contamination within West Olive Drive, established businesses within this portion of the project site include commercial and light industrial uses that are associated with elevated potential for hazardous materials release. In addition, on-site structures may contain potentially hazardous building materials. Due to the potential for hazardous materials to be released during demolition and redevelopment of West Olive Drive, this would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with the release of hazardous materials from a site of known or potential contamination to less-than-significant levels.

Mitigation Measure 4.8-2b, as described above for the Nishi site.

Mitigation Measure 4.8-2d

Minimize potential for accidental release of hazardous materials during demolition. Prior to demolition of existing structures within West Olive Drive, the project applicant shall complete the following:

- Locate and dispose of potentially hazardous materials in compliance with all applicable federal, state, and local laws. This shall include: (1) identify locations that could contain hazardous residues; (2) remove plumbing fixtures known to contain, or potentially containing, hazardous materials; (3) determine the waste classification of the debris; (4) package contaminated items and wastes; and (5) identify disposal site(s) permitted to accept such wastes.

- Provide written documentation to the County that asbestos testing and abatement, as appropriate, has occurred in compliance with applicable federal, state, and local laws.

- Provide written documentation to the County that lead-based paint testing and abatement, as appropriate, has been completed in accordance with applicable state and local laws and regulations. Abatement shall include the removal of lead contaminated soil (considered soil with lead concentrations greater than 400 parts per million in areas where children are likely to be present). If lead-contaminated soil is to be removed, the project applicant shall submit a soil management plan to YCEHD.

Mitigation Measure 4.8-2d would minimize the potential for release of potentially hazardous construction materials during demolition by requiring that asbestos-containing building materials, lead-based paint, and other hazardous substances in building components are identified, removed, packaged, and disposed of in accordance with applicable state laws and regulations. This would minimize the risk of an accidental release of hazardous substances that could adversely affect human health or the environment. Mitigation Measure 4.8-2b would establish a hazardous materials contingency plan to address potential soil and groundwater contamination, if discovered during construction activities. Implementing these measures would reduce Impact 4.8-2 to a less-than-significant level.

Potentially Significant Effect: Impact 4.8-5: Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Operation of uses associated with the redevelopment of West Olive Drive would not modify existing emergency access routes or physically interfere with implementation of emergency response plans. However, construction within West Olive Drive could result in short-term, temporary impacts to street traffic because of roadway improvements and potential extension of construction activities into roadway rights-of-way. This would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with the impairment of implementation, or physical interference with, an adopted emergency response plan or emergency evacuation plan to less-than-significant levels.

Mitigation Measure 4.14-7, as described below.

Similar to what was evaluated above for the Nishi site, preparation of a Construction Traffic Management Plan, as required by Mitigation Measure 4.14-7, would adequately address any potential conflicts with emergency access or evacuation routes during construction by communicating proposed lane and road closures with first responders and allowing first responders to plan accordingly to ensure that emergency response times and maintain adequate emergency access. As a result, this would be a less-than-significant impact and Mitigation Measure 4.8-5 is not required.

HYDROLOGY AND WATER QUALITY

Nishi Site

Potentially Significant Effect: Impact 4.9-4: Drainage and runoff impacts.

The existing drainage patterns and stormwater volume would be altered by the development of the Nishi site. The potential downstream impacts would be minimized through mandatory compliance with the City of Davis' stormwater ordinance. Alteration of the existing drainage system could create backwater or flooding conditions for the existing upstream properties. This would be a potentially significant impact.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with drainage and runoff impacts to less-than-significant levels.

> **Mitigation Measure 4.9-4**
>
> The SWQCP prepared for the City of Davis and before the issuance of building permits shall incorporate provisions to accommodate the existing volume of upstream drainage flows from the I-80 right-of-way and the 58-acre section of the UC Davis campus west of the project area. These flows may be conveyed directly through the site (pass-through) or infiltrated in part or in whole within the Nishi stormwater management system. Development of the Nishi site shall not create backwater conditions or upstream flooding.

Implementation of Mitigation Measure 4.9-4 would minimize the risk of backwater conditions or flooding on upstream properties resulting from alterations to the existing drainage system within the Nishi site. This mitigation measure, in combination with the existing City of Davis stormwater management regulations described above, would reduce the potential drainage and runoff impacts of development of the Nishi site to a less-than-significant level.

NOISE AND VIBRATION

Nishi Site

Significant Effect: Impact 4.11-1: Generate short-term, construction-related noise on nearby sensitive land uses.

Project construction activities would involve the use of heavy-duty construction equipment. Construction noise impacts would occur over a 5-year period for off-site sensitive receptors and a 2- to 3-year period for planned on-site receptors. Although construction activities would be conducted in accordance with Davis Municipal Code 24.02.040 (b), construction activities may result in a substantial increase in ambient noise levels, especially to on-site residences during Phase 2 of construction thereby resulting in a significant impact.

Finding
Changes or alterations, which substantially reduce the significant effects associated with construction noise have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects related to construction noise, it may not be feasible to reduce construction noise such that construction noise would not disrupt studying or caring for young children. Alternative 1 (no project) would avoid these impacts, but this alternative has been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding
Implementation of Mitigation Measure 4.11-1 would reduce construction noise for the entire construction area. However, as on-site receptors may be elevated above construction activities on the project site, the efficacy of on-site noise barriers may be reduced. As the efficacy of Mitigation Measure 4.11-1 cannot be quantified, it is undetermined as to how much construction noise levels could be reduced at on-site residences during Phase 2 of construction. This impact would be significant and unavoidable.

Mitigation Measure 4.11-1

The City shall require the applicant to implement the following noise reduction measures during project construction as directed by the City. These include strategic placement of construction equipment and staging areas, maintenance of equipment, preference for quieter construction procedures, audible self-adjusting backup alarms, signage, and temporary noise barriers.

Implementation of Mitigation Measure 4.11-1 would reduce construction noise for the entire construction area. On-site receptors may be elevated above construction activities on the project site, and thus the efficacy of on-site noise barriers may be reduced.

Significant Effect: Impact 4.11-3: Exposure of existing sensitive receptors to operational project-generated stationary noise.

Development of the Nishi site would result in the operation of various new stationary noise sources (e.g., mechanical HVAC equipment, emergency electrical generators, parking lots, and noise from outdoor activity areas). Specific locations for these noise sources are not known at this time. Thus, considering the proposed high density of land development in close proximity to existing sensitive receptors (e.g., the existing Solano Park Apartments), it is possible that new proposed HVAC units and emergency generators could create a noticeable increase from existing noise levels. Consequently, a substantial permanent increase in ambient noise levels (i.e., 5 decibels [dB]) could occur. This would be a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with exposure of existing sensitive receptors to operational project-generated stationary noise to less-than-significant levels.

Mitigation Measure 4.11-3

The project applicant shall implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:

- All electrical generators shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.

- External mechanical equipment, including HVAC units, associated with buildings shall incorporate features designed to reduce noise emissions below the stationary noise source criteria. These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.

- Should R&D tenants require outdoor testing/activities, tenants shall submit exterior noise estimates for long-term and short-term research and development activities to the City for review and approval prior to implementation. Exterior noise levels shall be estimated for receptor distances equivalent to distances from on-site and off-site residential land uses and shall demonstrate compliance with City of Davis noise limits, as applicable.

Implementation of Mitigation Measure 4.11-3 would require that all stationary noise sources are oriented, located, and designed in such a way that reduces noise exposure to ensure that stationary noise sources would comply with City noise standards for sensitive receptors and limit increases to existing noise levels to below significant levels (less than 5 dB increase), reducing this impact to a less-than-significant level.

Potentially Significant Effect: Impact 4.11-4: Exposure of proposed sensitive receptors to operational project-generated stationary noise sources.

The proposed development of the Nishi site would include commercial and residential mixed-use land uses including new sensitive receptors (e.g., residential uses). Proposed residential uses (i.e. sensitive receptors) could be located in close proximity to new, on-site, stationary noise sources (e.g., HVAC units, electrical generators, outdoor activity areas, and parking lots), which could expose these receptors to noise in excess of allowable noise levels. This impact would be potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with exposure of proposed sensitive receptors to operational project-generated stationary noise to less-than-significant levels.

Mitigation Measure 4.11-3, as described above.

Implementation of Mitigation Measure 4.11-3 would limit noise generation from stationary sources, reduce outdoor ambient noise levels, and limit activities to the less sensitive times of the day such that people would be less likely to be disturbed while sleeping. Implementation of this mitigation would reduce this impact to a less-than-significant level.

Significant Effect: Impact 4.11-5: Exposure of proposed and existing sensitive receptors to transportation noise sources.

Development of the Nishi site would result in increased traffic volumes along affected roadways and would increase roadway noise levels in the vicinity of the project site. Additionally, the proposed on-site residential and R&D structures would act as both receptors and barriers or reflectors of transportation noise sources. Existing receptors could experience louder train warning horn and pass-by events due to reflection from proposed Nishi residential buildings. Proposed sensitive receptors at the planned residential land uses would be exposed to exterior traffic noise levels that are conditionally acceptable under the City's noise standards, but could also be exposed to significant noise events (i.e. horn blasts) from passing trains that could disturb sleep. Commercial land uses along I-80 would also experience noise levels that would be normally unacceptable under the City's noise standards. Because transportation noise could cause noise disturbances to both new and existing receptors, this impact is considered significant.

Finding

Changes or alterations, which substantially reduce the significant effects associated with transportation noise have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects related to transportation noise, it may not be feasible to reduce noise levels in accordance with the City's noise standards. Alternatives 1 (no project) and 2 (R&D only) would avoid these impacts, but these alternatives have been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

The implementation of Mitigation Measures 4.11-5a through 5c would reduce most transportation noise impacts, except for disturbances to new receptors on the Nishi site. These receptors would still be exposed to sudden increases in noise levels from passing trains along the UPRR line, which can still occur during nighttime hours while residents are sleeping. An exterior-to-interior reduction of 30 dB could still allow for

more than 5 percent of residents to be awakened. Thus, this impact would remain significant and unavoidable.

Mitigation Measure 4.11-5a

Where feasible, locate new sensitive receptors such that the outdoor activity area (e.g., balcony or porch) is on the opposite side of the structure from the UPRR line such that the structure itself would provide a barrier between transportation noise and the outdoor activity areas.

Mitigation Measure 4.11-5b

The applicant shall work in conjunction with the City of Davis to pursue and establish a Quiet Zone with the Federal Railroad Administration at Arboretum Drive, adjacent to the Nishi property. Upon confirming the assessing and confirming the feasibility of establishing a Quiet Zone, the applicant and City shall proceed to apply for the Quiet Zone designation.

The application and procedural steps to establish a Quiet Zone adjacent to the project site shall commence concurrent with the start of initial site grading activities. The project applicant shall fund all studies associated with the application for the establishment of the Quiet Zone. The installation and construction of alternative safety measures associated with the Quiet Zone (including, but not limited to: signage, gates, etc.) shall be implemented by the project applicant.

Mitigation Measure 4.11-5c

The applicant shall design and construct the residential buildings along the rail line such that train horn events and noise from passing trains would not increase by more than 5dBA SEL from existing SEL levels. These designs can include, but are not limited to:

- Incorporation of acoustically absorptive material, shape, angle, or overall design in building façade facing the railroad.

- Changing the shape of proposed buildings adjacent to the railroad and Solano Park Apartments such that noises from passing trains, including warning horns, are dispersed and not concentrated on sensitive receptors.

Implementation of Mitigation Measures 4.11-5a would reduce interior noise from I-80 at new sensitive receptors by ensuring that they are built in such a way as to attenuate interior noise levels to the City's interior noise standard for residential land uses. Successful implementation of Mitigation Measure 4.11-5b would not reduce train horn noise completely, because freight strains travelling eastbound would continue to activate their horns before entering the Davis Station. However, it would reduce the frequency of horn noise. In addition, Mitigation Measure 4.11-5a would not eliminate other noise from trains passing on the UPRR line. Passing trains would still be high noise level events that can reach up to 95 dB at 100 feet. Implementation of Mitigation Measure 4.11-5c would reduce impacts on existing receptors, at Solano Park Apartments and any other residences that could be affected by increased noise levels of passing trains reflected and amplified by the proposed Nishi residential buildings.

TRANSPORTATION AND CIRCULATION

Nishi Site and West Olive Drive

Significant Effect: Impact 4.14-1: Impacts to local intersections outside freeway interchange areas.

The addition of project-related traffic would increase delay at local intersections outside Freeway Interchange Areas under Access Scenario 1. While no local intersections would exceed City of Davis Level of Service (LOS) standards, the intersection of Old Davis Road/La Rue Road within UC Davis campus under Access Scenario 1 would exceed significance thresholds. This would be a significant impact.

Finding

Changes or alterations, which substantially reduce the significant effects associated with traffic impacts at local intersections have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects related to transportation impacts at local intersections, such changes are within the responsibility and jurisdiction of UC Davis, and the City cannot guarantee implementation. Alternative 1 (no project) and Access Scenario 2 would avoid this impact, but these alternatives have been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

Implementation of Mitigation Measure 4.14-1 would improve LOS at Old Davis Road/La Rue Road to D or better, which would be considered acceptable. While this mitigation measure would reduce the impact to a less-than-significant level, implementation requires future approval by the UC Davis. Since neither the project applicant nor the City of Davis can guarantee approval by UC Davis, this remains significant and unavoidable.

Mitigation Measure 4.14-1

The project applicant shall fund the design and construction of modifications to the single lane roundabout at the intersection of Old Davis Road/La Rue Road. These modifications will consist of constructing a right-turn bypass lane from southbound La Rue Road to westbound Old Davis Road. Implementation of this mitigation measure will improve LOS to D or better. The roundabout design shall be reviewed and approved by the University before implementation.

Significant Effect: Impact 4.14-2: Impacts to intersections within the Richards Boulevard interchange area.

Implementation of the project would increase traffic volumes within the Richards Boulevard Interchange Area, including the Richards Boulevard/Olive Drive, Richards Boulevard/I-80 Westbound Ramps, Richards Boulevard/Private Driveways, and Richards Boulevard/I-80 Eastbound Ramps intersections.,
The addition of project-related traffic would increase delay at local intersections within the Richards Boulevard Freeway Interchange Areas under Access Scenario 1. Project traffic would exceed the relevant threshold of significance for three freeway interchange area intersections. This is considered a significant impact.

Finding

Changes or alterations, which substantially reduce the significant effects associated with traffic impacts at intersections within the Richards Boulevard interchange area have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects related to transportation impacts at local intersections, such changes are within the responsibility and jurisdiction of Caltrans, and the City cannot guarantee implementation. Alternative 1 (no project) would avoid this impact, but this alternative has been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

Modification of the I-80/Richards Boulevard interchange, including off-ramps, would require approval by Caltrans and is outside the purview of the City as lead agency. Further, Caltrans is currently considering improvements to the I-80/Richards Boulevard Interchange, which may or may not coincide with improvements necessary to reduce impacts of the project to less than significant levels. Because the approval of interchange improvements by Caltrans cannot be assured, the impact would remain significant and unavoidable.

Mitigation Measure 4.14-2

The project applicant shall implement the following measures related to roadway and intersection widening within the Richards Boulevard interchange area.

Phase 1 Improvements

The project applicant shall either make a fair share contribution for the following Phase 1 improvements prior to initiation of construction of Phase 1 or conduct a focused traffic assessment to provide a more detailed assessment of the mitigation trigger timing.

- Richards Boulevard/Olive Drive:
    - Widen the south leg of Richards Boulevard to add a second northbound left turn lane (from northbound Richards to westbound Olive Drive) with a storage length of approximately 250 feet. Widen the north leg of Richards Boulevard to add a second southbound through/turn lane. The widening of the south leg may require some widening of the approach to the underpass and construction of new retaining walls to support the new turn lane. No modification of the existing underpass is required.
    - Widen the west leg of West Olive Drive to provide two westbound lanes and three eastbound lanes. The eastbound lanes on West Olive Drive at Richards Boulevard shall include a left turn lane, a through lane, and a right turn lane. On-street bike lanes, which may include either a sharrow (shared bike and vehicle lane) or dedicated bike lane, shall be provided on West Olive Drive.
- Richards Boulevard/Private Driveways: Place barriers in the median of Richards Boulevard to restrict driveway access, between West Olive Drive and the I-80 westbound ramps, to right-in, right-out movements only.
- Richards Boulevard/I-80 Westbound Ramps: Realign the westbound ramps to eliminate the two loop ramps to provide a diamond ramp configuration and install a traffic signal. Provide an exclusive left turn lane and two exclusive right turn lanes on the westbound off-ramp approach. Provide one through lane and two exclusive left turn lanes on the northbound approach. Provide two through lanes and an exclusive right turn lane on the southbound approach. The southbound right turn lane shall extend from just south of the existing Cafe Italia driveway to the new westbound on-ramp entrance.

Phase 2 Improvements

The project applicant shall contribute appropriate funds for the following Phase 2 improvements, which shall be constructed before occupancy of project uses that would generate fifty percent or more of the forecast project a.m. peak hour trips. Alternately, the project applicant may conduct a focused traffic assessment to provide a more detailed assessment of the mitigation trigger timing.

- Richards Boulevard/Eastbound Off-Ramp: Widen the eastbound off-ramp to provide a second exclusive left turn lane.
- Richards Boulevard Bicycle Cycle Track: construct a separated cycle track on the west side of Richards Boulevard from West Olive Drive to Research Park Drive.
- Richards Boulevard/Eastbound On-Ramp: Provide ramp metering for the eastbound I-80 on-ramp.

The City is in the process of implementing improvements at the Richards Boulevard/Research Park Drive intersection that include the addition of a second southbound through lane, and this improvement was taken into consideration as part of the mitigated condition. With that improvement and implementation of the mitigation shown above, LOS E would be restored to the impacted intersections and impacts would be reduced to less than significant. Figure 4.14-9 illustrates the intersection of Richards Boulevard/West Olive

Drive with implementation of Mitigation Measure 4.14-2. Refer to Section 4.5, "Cultural Resources" for a discussion of potential impacts to the underpass, which is considered a historic resource, as a result of implementation of this mitigation.

Potentially Significant Effect: Impact 4.14-5: Increase in vehicle miles travelled.

The project would increase local and regional vehicle miles traveled as a result of people driving to and from the project site on a daily basis. Taking into account local and regional VMT reduction goals, the project may impede the ability of the City/region to achieve established goals. This would be a potentially significant impact because of projected increases in VMT.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with increase in vehicle miles travelled to less-than-significant levels.

Mitigation Measure 4.14-5

Before issuance of the first building permit, the applicant shall prepare a TDM program, including any anticipated phasing, and submit it to the City Department of Public Works for review and approval. The TDM program must be designed to achieve the following.

1. Reduce trips to achieve one and five-tenths (1.5) average vehicle ridership (AVR) in accordance with Davis Municipal Code Section 22.15.060, and

2. Reduce daily and peak hour vehicle trips, as forecast for the project in this transportation impact assessment, by 10 percent for every project phase, and

3. Reduce daily VMT by a minimum of 20 percent.

Trip reduction programs/strategies may include the programs/strategies identified in the Nishi Gateway Sustainability Implementation Plan. The on-site management entity shall be responsible for implementing the TDM Program and shall provide annual reporting of TDM performance.

With implementation of Mitigation Measure 4.14-5, daily VMT associated with the project would be reduced in accordance with local/regional goals. As a result, this impact would be reduced to a less-than-significant level.

Potentially Significant Effect: Impact 4.14-6: Impacts to emergency vehicle access.

Prior to completion of Phase 2 of Access Scenario 1, only one emergency vehicle access point may be available. Further, during construction, disruption of area roadways may hinder traffic flow (e.g., Richards Boulevard and intersection of Richards Boulevard and Olive Drive), which could negatively affect emergency response. This would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The EIR stated that, prior to completion of Phase 2 of Access Scenario 1, there may only be one emergency vehicle access point to and from the Nishi site, which could hinder emergency response. The EIR recommended implementation of mitigation measures to reduce the potential of impairing implementation of, or physically interfering with an adopted emergency response plan or emergency evacuation plan. The

City Council, however, has modified the approved project to require that no occupancy would be allowed until both the West Olive Drive and Old Davis Road connections are provided. Therefore, the potential impact during operation of on-site uses would no longer be significant.

During construction, there is a potential that temporary roadway closures and other construction activities could impair emergency response. Preparation and implementation of a Construction Traffic Management Plan, as required by Mitigation Measure 4.14-7, would adequately address any potential conflicts with emergency access during construction by communicating proposed lane and road closures with first responders and allowing first responders to plan accordingly to ensure that emergency response times and maintain adequate emergency access.

Mitigation Measure 4.14-7, as described below

As a result of implementation of Mitigation Measure 4.14-7 and the aforementioned condition of approval, impacts would be less than significant.

Significant Effect: Impact 4.14-7: Impacts associated with construction vehicle traffic.

During construction of the project, construction activities and temporary construction vehicle traffic would increase traffic congestion in the area. Depending on the timing and intensity of such activities, this could result in substantial congestion in excess of City standards. Impacts would be significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with construction vehicle traffic to less-than-significant levels.

Mitigation Measure 4.14-7

Before any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Caltrans, Unitrans, Yolobus, and local emergency service providers for their input before approving the Plan. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. A copy of the construction traffic control plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.

With implementation of Mitigation Measure 4.14-7, appropriate signage and access would be provided so as to maintain the flow of traffic in the vicinity of the project site. As a result, this impact would be reduced to a less-than-significant level.

Significant Effect: Impact 4.14-8: Impacts to pedestrian and bicycle facilities.

The project would increase bicycle and pedestrian traffic to and from the project site, primarily towards Downtown Davis and UC Davis. While the project would provide adequate on-site bicycle and pedestrian facilities, the additional demand for such facilities adjacent to the site as a result of the project is anticipated to increase and impacts would be significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with pedestrian and bicycle facilities to less-than-significant levels.

> Mitigation Measure 4.14-2, as described above.

The improvement of bicycle/pedestrian access along Richards Boulevard would provide for additional safe travel by bicycles and pedestrians from the project site to Downtown Davis. As the improvement to the Richards Boulevard Interchange is currently a planned project by the City, a fair share contribution towards the improvement of bicycle and pedestrian access at the Richards Boulevard underpass would serve as adequate off-site mitigation for the project. As a result, impacts would be reduced to less than significant.

Potentially Significant Effect: Impact 4.14-9: Impacts to transit service.
The project would increase transit ridership and may require additional improvements/considerations to promote and handle increased transit ridership. Impacts would be potentially significant.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding
The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with transit service to less-than-significant levels.

> Mitigation Measure 4.14-9
>
> If Access Scenario 1 (2 access points) is adopted, the project applicant shall fund and construct new bus stops within the project site on the West Olive Drive Extension, at a central location in the project site upon occupancy of the first building. The improvements can be constructed within the existing right-of-way. The project applicant shall prepare design plans, to be reviewed and approved by the City Public Works Department, and construct bus stops with shelters, paved pedestrian waiting areas, lighting, real time transit information signage, and pedestrian connections between the new bus stops and all buildings on the project site.

The provision of on-site bus stops within the Nishi site and within West Olive Drive as part of Mitigation Measure 4.14-9 would allow for increased access by Unitrans ridership. As a result, impacts would be reduced to less than significant.

UTILITIES

Nishi Site

Significant Effect: Impact 4.15-2: Impacts to water infrastructure.
Development of the Nishi site would increase demands on water infrastructure in the vicinity of the project site. Based on modeling conducted of potential fire flow requirements, which would result in the greatest hydraulic demand on local infrastructure, existing water pipelines in the area are anticipated to provide adequate fire flow and daily water supplies to accommodate the demands generated at the Nishi site, however because of the necessity for redundancy, existing pipelines within West Olive Drive are not adequate to provide a secondary method of providing water to the site. As a result, this impact is significant.

Finding
Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with water infrastructure to less-than-significant levels.

> **Mitigation Measure 4.15-2**
>
> Prior to approval of improvement plans for construction at the Nishi site, the applicant shall coordinate with the City of Davis Public Works Department to fund and replace approximately 3,000 feet of the existing 6" and 10" water lines within Olive Drive, east of Richards Boulevard, with a 12" pipe. This improvement shall be completed before initiation of operation of land uses within the Nishi site.

With implementation of Mitigation Measure 4.15-2, redundant fire flow and potable water supplies would be available to the Nishi site, and the impact would be reduced to less than significant. It should be noted that the impacts associated with construction of this improvement, which would occur entirely within the paved portion of Olive Drive, are addressed as part of this EIR.

Significant Effect: Impact 4.15-3: Impacts to wastewater infrastructure.

Development of the Nishi site would increase wastewater generation and demands on wastewater infrastructure in the vicinity of the project site and in the City. Based on City sewer generation factors, existing sewer pipelines in the area do not have adequate capacity to accommodate peak wet weather flows with operation of the Nishi site. As a result, this impact is significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with wastewater infrastructure to less-than-significant levels.

> **Mitigation Measure 4.15-3**
>
> Prior to issuance of building permits for the Nishi site, the applicant shall coordinate with the City of Davis Public Works Department and conduct a refined engineering analysis, including flow monitoring, of existing sewer lines between the project site and Sewer Lift Station No. 4 to confirm adequate flow capacity. At a minimum, the applicant shall replace the existing 8" sewer line within Olive Drive with a 12" pipe. Should additional sewer pipe upsizing be deemed necessary through coordination with the City Public Works Department, the applicant shall replace those pipes before operation of on-site uses.

With implementation of Mitigation Measure 4.15-3, the impact on sewer facilities would be less than significant. It should be noted that the impacts associated with replacement of the 8" sewer line, which would occur entirely within the paved portion of Olive Drive, are addressed as part of this EIR.

CUMULATIVE IMPACTS

Cumulatively Significant Effect: 5.3.2 Agricultural and Forest Resources

Under cumulative conditions, development of the site would result in a loss of farmland that was determined to be of high agricultural importance per the LESA model. The project would convert 43.5 acres of agricultural land that is considered to be of high agricultural importance to urban uses. Further, development of the site could include decommissioning of the existing well that supplies water to the residence associated with the prime farmland south of I-80, which could indirectly influence conversion of Important Farmlands through the loss of irrigation supply. Coupled with the potential loss of up to 438 acres of agricultural land associated with the Mace Ranch and Davis Innovation Center projects, impacts would be considered a significant impact.

Finding

Changes or alterations, which substantially reduce the significant effects of the conversion of Important Farmlands to non-agricultural use, or involve changes in the existing environment that could result in conversion of Important Farmland to non-agricultural use have been required in, or incorporated into, the project by the City of Davis. While the significant effects would be reduced by preserving other farmland and ensuring that existing water supplies to the off-site Prime Farmland are not affected by project implementation, none of the measures would reduce the net loss of high-value agricultural land such that a significant impact would no longer occur. Alternative 1 (no project) and Alternative 4 (offsite development) would avoid these impacts, but each of these alternatives have been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

Development of the Nishi site would involve conversion of approximately 43.5 acres of agricultural land to non-agricultural use. This conversion of agricultural land would be mitigated at a 2:1 ratio, as required by the City of Davis' Municipal Code. However, even with adherence to City Municipal Code requirements, the project would result in a net loss of 43.5 acres of agricultural land and would be considered cumulative considerable with respect to the cumulative loss of agricultural land in the region. No feasible mitigation is available and as a result, cumulative impacts would be significant and unavoidable. Under cumulative conditions, the project would result in a net loss of high-value agricultural land, even with adherence to City Municipal Code Section 40A.03. Therefore, this impact would remain significant and unavoidable. See additional information regarding significant and unavoidable project-specific impacts listed above.
As no feasible mitigation is available to reduce the potential impact associated with a net loss of 43.5 acres of agricultural land, impacts would be significant and unavoidable.

Cumulatively Significant Effect: 5.3.7 Greenhouse Gas Emissions, Climate Change, and Energy

Climate change is an inherently cumulative issue. The GHG emissions required to induce climate change is not precisely known; however, it is clear that the quantity is enormous, and no single project alone would measurably contribute to a noticeable incremental change in the global average temperature, or to global, local, or micro climate.

The analysis of GHG emissions and climate change that is provided in Section 4.7, "Greenhouse Gas Emissions" of the Draft EIR, is considered to address both project-specific and cumulative impacts. Implementation of the project would increase GHG emissions within the City of Davis and the region and may not be able to achieve the City's carbon neutral target by 2050 and thus impacts would be significant and unavoidable.

Finding

Changes or alterations, which substantially reduce the significant effects to climate change, have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would substantially reduce the significant effects on the project, the residual cumulative impact would continue to be significant. As described above and in Section 1.7, none of the project alternatives would reduce or avoid this cumulative GHG impact, except the no project alternative, which has been rejected as infeasible. Therefore, the project's generation of GHG emissions and contribution to climate change is considered significant and unavoidable.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measure that will reduce impacts related to GHG emissions and climate change, but not to a less-than-significant level.

Mitigation Measure 4.14-5, as described above.

Mitigation Measure 4.7-2a, as described above.

Mitigation Measure 4.7-2b, as described above.

Through the implementation of Mitigation Measure 4.14-5, which requires the development and implementation of a transportation demand management program, the Nishi development could reduce VMT generated by the project by up to 20 percent from 45,200 to 36,160 daily VMT. This could reduce mobile source emissions to 8,746 $MTCO_2e$ in 2022. Using ARB-forecasted vehicle emission factors, these emissions could be reduced to 7,328 $MTCO_2e$ by 2050. Additional incentives for low-carbon vehicles, such as electric charging stations, could reduce emissions further by increasing the percentage of vehicles that emit lower GHG emissions per mile, but these estimates are qualitative. Implementation of Mitigation Measures 4.7-2a and 4.7-2b sets GHG reduction targets and accountability for the Nishi Development, but would not guarantee reductions that show that the development would be able to achieve the City's carbon neutral target by 2050. Therefore, this impact would be significant and unavoidable.

Cumulatively Significant Effect: 5.3.14 Transportation and Circulation (Local Intersections)

The provision of a second access point included in Access Scenario 1, from the Nishi Gateway Project to the UC Davis campus, provides a direct connection between the project and campus. It also provides an alternative route for both project and campus vehicle trips to I-80. Project trips would have a viable route to the I-80/Old Davis Road interchange through campus, and campus trips would have an alternative route (i.e., to using First Street through Downtown Davis) to travel to the I-80/Richards Boulevard interchange.

For Access Scenario 1, the following intersections are significantly impacted in the Cumulative Plus Project case, based on standard of significance #1 identified in Chapter 4.14 of the EIR:

1. Richards Boulevard/Private Driveways (Caffe Italia/Hotel, Shell/In-and-Out)
2. Richards Boulevard/I-80 Westbound Ramps
3. Richards Boulevard/I-80 Eastbound Ramps
4. Richards Boulevard/Research Park Drive

In summary, the project's incremental increase in traffic to study intersections with Access Scenario 1, in combination with traffic from cumulative development, would be considered cumulatively considerable, and impacts would be significant.

Finding

Changes or alterations, which substantially reduce the significant effects associated with traffic impacts at intersections under cumulative conditions have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects related to transportation impacts at local intersections, such changes are within the responsibility and jurisdiction of UC Davis and Caltrans, and the City cannot guarantee implementation. Alternative 1 (no project) would avoid this impact, but this alternative has been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

With implementation of Mitigation Measure 5.14-1a, 5.14-1b, and 5.14-1c, all intersections would operate at LOS E or better conditions, with the exception of the First Street/D Street intersection that would operate at LOS F conditions. The delays at the First Street/D Street intersection, with implementation of Mitigation Measure 5.14-1, would be equivalent to the delays with the Cumulative No Project scenario. Further, LOS F conditions are acceptable at this location based on the General Plan. However, as noted in Section 4.15, "Transportation and Circulation," implementation of Mitigation Measure 4.14-2 requires Caltrans approval

and cannot be assured. Further, implementation of Mitigation Measure 5.14-1b requires UC Davis approval and also cannot be assured. As a result, impacts would be significant and unavoidable.

Mitigation Measure 4.14-2, as described above.

Mitigation Measure 5.14-1a

Improvements to the First Street/F Street intersection are not currently included in the City's transportation development fee program. The project applicant shall fund a City-administered engineering analysis to determine a probable estimate of costs and a fair share of the improvements. The City of Davis shall include the project in the development fee program. The project applicant shall contribute appropriate fees for the design and construction of the installation of a traffic signal at the First Street/F Street intersection and the widening of the eastbound lane on First Street, from E Street to just east of F Street, to provide a dedicated eastbound left turn lane and eastbound through lane. Alternately, the left turn movement from eastbound First Street onto northbound F Street could be prohibited, requiring eastbound traffic on First Street to continue on to G Street.

Mitigation Measure 5.14-1b

The project applicant shall contribute appropriate fees for the design and construction of the installation of a single lane roundabout, or equivalent measure, at the intersection of Old Davis Road/New Connector Street on the UC Davis campus. The improvement shall be constructed concurrent with completion of the new underpass and roadway that would connect the Nishi Gateway project and the UC Davis campus. The improvement design shall be reviewed and approved by UC Davis staff and the Davis Public Works Department before implementation.

Mitigation Measure 5.14-1c

The project applicant shall contribute appropriate fees for the design and construction of the installation of a traffic signal at the West Olive Drive/West Olive cul-de-sac intersection located approximately 350 feet west of the Richards Boulevard/Olive Drive intersection.

Cumulatively Significant Effect: 5.3.14 Transportation and Circulation (Local Roadway Segments)

Adding the project to the Cumulative No Project condition, under Access Scenario 1, causes significant impacts on three roadway segments, including:

1. Covell Boulevard East of Denali Drive (LOS F, p.m. peak hour)
2. John Jones Road North of Covell Boulevard (LOS F, a.m. and p.m. peak hours)
3. Richards Boulevard east of Research Park Drive (LOS F, a.m. and p.m. peak hours)

For all of these segments, the projected travel demand exceeds the peak hour capacity, and widening would be required to serve the projected demand.

In summary, the project's incremental increase in traffic along roadway segments, in combination with traffic from cumulative development, would be considered cumulatively considerable.

Finding

Changes or alterations, which substantially reduce the significant effects associated with impacts to roadway segments have been required in, or incorporated into, the project by the City of Davis. While the mitigation measures would reduce the significant effects, it may not be feasible to meet reduce LOS along local roadway segments in accordance with City standards. Alternative 1 (no project) would avoid these impacts, but this alternative has been rejected as infeasible for the reasons set forth in Section 1.7, above. No other feasible alternatives are available to reduce this impact. Therefore, specific economic, legal, social, technological, or other considerations make infeasible further mitigation that would avoid or substantially lessen the significant environmental effect, and thus, this would be a significant and unavoidable impact.

Facts in Support of Finding

City of Davis has adopted and will implement the following mitigation measures that that will reduce traffic impacts to local roadway segments. The effectiveness of the mitigation measures cannot be assured of reducing the projected volumes on the affected roadways to a level that reduces volumes at or below the affected roadways' capacities, thus the project remains cumulatively considerable, and impacts would be significant and unavoidable.

Mitigation Measure 5.14-2

The applicant shall contribute appropriate fees for the implementation of travel route management strategies, including changeable message signs with route delay information and downtown parking capacity information, signal coordination and timing plans, and other roadway network management strategies, as appropriate, to efficiently manage the capacities of the various roadways serving as the primary travel corridors in Davis.

This project is not currently included in the City's transportation development fee program. The project applicant shall fund a City-administered engineering analysis to determine a probable estimate of costs and a fair share of the improvements. The City of Davis shall include the project in the development fee program. The City, in cooperation with UC Davis, shall implement information systems in South Davis, Downtown Davis, and on the UC Davis campus that inform motorists when Richards Boulevard, between First Street and Research Park Drive, is heavily congested and encourage the use of alternate routes – particularly for through traffic without a destination in Downtown Davis. The information systems shall include vehicle detection equipment at key points on Richards Boulevard in the I-80 interchange and changeable message signs (CMS) with route delay information and downtown parking capacity information. Alternate interchange access points include the I-80/Old Davis Road interchange for campus traffic and the I-80/Mace Boulevard interchange for South Davis traffic.

Cumulatively Significant Effect: 5.3.15 Impacts to wastewater treatment facilities

Because adequate treatment capacity may not be available to treat wastewater flows from cumulative development, a significant cumulative wastewater treatment impact could occur. Though the project itself would not require new or expanded facilities, the combination of the project with other contemplated development may require the expansion of existing wastewater treatment facilities.

Finding

Changes or alterations have been required in, or incorporated into, the project by the City of Davis that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Davis has adopted and will implement the following mitigation measures that will reduce impacts associated with wastewater infrastructure to less-than-significant levels.

Mitigation Measure 5.15-1

Prior to approval of improvement plans for each phase of development, the applicant shall provide funding for the City to perform a WWTP analysis to identify the then-current City of Davis WWTP BOD loading capacity. If the WWTP analysis determines that adequate BOD loading capacity exists at the WWTP to serve the project, further action is not required for the phase under review. If the analysis finds that the WWTP BOD loading capacity is not sufficient to serve the particular development phase under review, that phase of development shall not be approved until a plan, for financing and constructing additional BOD loading capacity improvements has been prepared and approved; the additional BOD loading capacity improvements have been constructed; and the City Engineer has verified that sufficient capacity exists to serve said phase.

Mitigation Monitoring and Reporting Program

CEQA and the CEQA Guidelines (PRC Section 21081.6 and CCR Sections 15091[d] and 15097) require public agencies "to adopt a reporting and monitoring program for changes to the project which it has

adopted or made a condition of project approval to mitigate or avoid significant effects on the environment." A MMRP is required for the proposed project because the EIR identifies potential significant adverse impacts related to the project implementation, and mitigation measure have been identified to reduce those impacts. The MMRP is attached hereto as Attachment A.

2 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. The City of Davis proposes to approve the project despite certain significant unavoidable adverse impacts identified in the Nishi Gateway Project EIR.

The entire EIR includes: (1) the Draft EIR and appendices, and (2) the Final EIR, which includes responses to comments, corrections and revisions to the Draft EIR, and two appendices. The City of Davis published the Final EIR on the Nishi Gateway Project on December 16, 2015.

2.1 SIGNIFICANT UNAVOIDABLE IMPACTS OF THE PROJECT

The EIR identifies significant and potentially significant but mitigable impacts to the following environmental resources at the Nishi Gateway project site: aesthetic and visual resources (Nishi Site); air quality (Nishi Site); biological resources (Nishi Site and West Olive Drive); cultural resources (Nishi Site and West Olive Drive); greenhouse gas emissions, climate change and energy (Nishi Site); hazards and hazardous materials (Nishi Site and West Olive Drive); hydrology and water quality (Nishi Site); noise and vibration (Nishi Site); transportation and circulation (Nishi Site and West Olive Drive); and utilities (Nishi Site and cumulative). Mitigation measures are available to reduce each of these impacts to a less-than-significant level, and City of Davis has adopted such measures.

The EIR also identifies significant and unavoidable impacts at the Nishi Gateway project site related to agriculture and forest resources (Nishi Site and cumulative); air quality (Nishi Site); greenhouse gas emissions, climate change and energy (Nishi Site, West Olive Drive, and cumulative); noise and vibration (Nishi Site); and transportation and circulation (Nishi Site, West Olive Drive, and cumulative).

2.2 BENEFITS OF THE PROJECT

2.2.1 Meeting Projected Housing Demands

The project would assist the City of Davis and UC Davis in meeting projected housing demands. UC Davis is in the process of updating its Long Range Development Plan (LRDP). UC Davis is anticipating enrollment growth of approximately 5,000 undergraduate students, 2,000 graduate students, and corresponding faculty and staff during the next 10 to 15 years. Housing unit growth in the City of Davis has slowed substantially in the last decade, while persons per household has slightly increased.

Up to 650 multifamily residential units would be constructed on 9.8 acres, including approximately 210 for-sale condominium units on 3.6 acres, and 440 rental units with up to 1,500 beds on 6.2 acres. Based on the proposed bed count within the rental units and assuming a 2.0 persons-per-household factor for each for-sale residential unit, the on-site residential population is estimated to be 1,920 people.

All proposed housing products (rental and condominium) could serve as workforce housing in support of on-site or campus-related employment opportunities, with a corresponding range of unit sizes for varying household sizes, incomes, and lifestyles. The rental units would likely serve as student housing because of proximity to campus, and it has been assumed, throughout this EIR, that 85 percent of the rental units would be occupied by students.

2.2.2 Research and Development Needs

In November 2012, the City Council approved a Pre-Development Cost Funding and Negotiation Agreement for the Nishi site, with the goal of planning the site as a mix of university-related research park development complemented by high density urban housing. This followed the Council's action on the Business Park Land Strategy to pursue (re)development of Downtown and Nishi/Gateway as a dynamic mixed-use innovation district and to initiate planning of the Nishi property as a mix of university-related research park development complemented by high-density urban housing.

Employment-generating R&D uses would include approximately 325,000 sf in a series of commercial buildings on approximately 5 acres, not including the adjacent surface parking lots. Per the conceptual site plan, these uses would be located in four linear structures within the eastern and southern portions of the Nishi site, proximate to I-80. The largest of these structures would also serve as an on-site parking structure. As currently proposed, these structures would be three stories (up to 45 feet) in height. Their location on the Nishi site would provide a buffer between I-80 and proposed residences.

Proposed office / R&D buildings would be complementary to UC Davis research facilities, and could serve as incubator space for local start-ups, technology-related, or other R&D-related businesses. Within the planned 325,000 sf of office/R&D uses, the following use types would be allowed:

- high-technology offices (e.g., small incubation spaces, mid-size offices, corporate headquarters);
- flexible spaces (large floor plate buildings to house large research equipment);
- research laboratories;
- support service offices (e.g., paralegal services, financial investor offices); and
- professional and administrative offices.

Considering Nishi Gateway as a mixed-use innovation district is a component of the dispersed innovation center strategy approved in 2012. This strategy included maximizing existing inventory to increase development certainty and flexibility, considering the Gateway as the City's top innovation center priority due to the proximity to the University and property owner and University interest. The Nishi property has a walkable and bike-friendly location that lends itself to a dense, mixed-use development that could serve as a catalyst for early phase companies.

2.2.3 Access Improvements

As part of the project, two access scenarios were evaluated. Under Access Scenario 1, a new potential connection between a new east-west street on the Nishi Property and Old Davis Road on the UC Davis campus would be constructed. This connection, which is preferred by the City, would involve crossing the existing UPRR line. A subterranean undercrossing with a temporary shoe-fly is proposed to prevent potential at-grade crossing conflicts between existing rail operations and vehicles (including buses), bicycles, and pedestrians. The approach for the undercrossing descent would begin approximately 250 feet in either direction from the existing UPRR line; this will be confirmed through future engineering and design. High-quality pedestrian and bicycle access would be provided in both directions along this connection, as noted above. However, because Access Scenario 1 would involve approval by UC Davis, which is beyond the control of the City, consideration/approval of such a connection would not occur until after UC Davis has completed its long range planning process. As a result, this EIR also considers Access Scenario 2, which would involve use of the extension of West Olive Drive as the vehicular access point to the Nishi site, but this scenario has been rejected by the City Council.

The circulation framework would integrate various transportation demand management strategies that reduce vehicle miles traveled from single-occupant automobile trips, such as:

- provide safe, covered bicycle parking areas near building entrances for visitors and inside buildings for residents and employees;
- provide pedestrian and bicycle amenities (including showers, rentals, repairs) within R&D structures at the site;
- provide transit passes and rideshare programs for employees;
- integrate parking management techniques to reduce the number of car spaces required per building;
- design and incorporate traffic-calming features within the development; and
- encourage flexible work scheduling to minimize peak-hour traffic.

A network of bike/pedestrian trails that would connect to the existing Putah Creek Trail, Richards Boulevard, and Old Davis Road is proposed throughout the site. These trails would allow employees, patrons, and residents to arrive and depart by bike, foot, or transit. Employees could also choose to park in an on-site location, and subsequently use on-site pedestrian and bicycle paths throughout the work day for transportation purposes.

The project site is located in close proximity to public transit stops for the Yolo Bus, Unitrans, and Amtrak systems, serving Davis and the surrounding area. Adjacent bus stops are located north of the project site at the intersection of 1st and D Streets. Unitrans would have the option of serving the Nishi property from Richards Boulevard or penetrating the site to access Old Davis Road; Unitrans has preliminarily indicated that one of the existing South Davis routes would be modified to utilize the Nishi site as an alternative route around downtown Davis should the project be implemented.

The proposed circulation network within the project is based on a grid street system, with a primary central roadway down the center and interconnected pedestrian and bicycle paths throughout the development to promote multimodal transportation choices. In addition to the new multimodal connections from Olive Drive and Old Davis Road, bicyclists and pedestrians would continue to have access to the site from the Putah Creek Parkway and its connections under Interstate 80 and the railroad tracks.

2.2.4 Sustainable Development

In 2014, the City was awarded a grant from the Strategic Growth Council (SGC) to assist the City and project applicant with the planning and design of the Nishi Gateway Project with a focus on sustainability and green development. As part of the SGC grant, the City and the applicant prepared technical studies and a sustainability implementation plan that was incorporated into the project and strives to provide a more sustainable development and model for future development within the City and the region. To that end, the City has incorporated the technical studies and analysis into the Final EIR where appropriate, and the implementing actions included as part of the sustainability implementation plan have been included either as intrinsic project features (e.g., on-site structures would exceed 2013 Title 24 standards by 30 percent; rooftop and surface-parking solar facilities), because of their connection to and influence on overall project design, or as mitigation measures (e.g., traffic management plans, including educational and incentive programs for alternative transportation).

CONCLUSION

Having reduced the effects of the project by adopting all feasible mitigation measures, and balanced the benefits of the project against the project's significant and unavoidable adverse environmental impacts, the City of Davis hereby determines that the specific overriding housing, economic, transportation access, sustainability, or other benefits of the project set forth above outweigh the potential unavoidable adverse effects of the project on the environment. The City of Davis finds that each of the overriding considerations set forth above constitutes a separate and independent basis for finding that the benefits of the project outweigh the unavoidable adverse environmental effects, and warrants approval of the project.

Attachment

Mitigation Monitoring and Reporting Programs for Nishi Gateway Project