

This section summarizes the purpose of the Environmental Impact Report (EIR) for the Cannery Project (the “project”). The following discussion addresses the environmental procedures that are to be followed according to State law, the intended uses of the EIR, the project’s relationship to the City’s General Plan and the Sacramento Area Council of Governments’ (SACOG) Sustainable Communities Strategy (SCS), the EIR scope and organization, and a summary of the agency and public comments received during the public review period for the Notice of Preparation (NOP).

1.1 PURPOSE AND INTENDED USES OF THE EIR

The City of Davis, as lead agency, determined that the proposed Cannery Project is a "project" within the definition of CEQA. CEQA requires the preparation of an environmental impact report prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development., CEQA further requires public agencies to balance a variety of public objectives, including economic, environmental, and social factors in making a decision to approve a development project with significant and unavoidable environmental impacts.

The City of Davis, as the lead agency, has prepared this Draft EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from construction and operation of The Cannery Project. The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used by the City to determine whether to approve, modify, or deny The Cannery Project and associated approvals in light of the project’s environmental effects. The EIR will be used as the primary environmental document to evaluate full project development, along with all associated infrastructure improvements, and permitting actions associated with The Cannery Project. All of the actions and components of the proposed project are described in detail in Section 2.0 of this Draft EIR.

1.2 TYPE OF EIR

This EIR is a Project EIR as defined in Section 15161 of the State CEQA Guidelines. A Project EIR is an EIR which examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction and operation. The Project EIR approach is appropriate for The Cannery Project because it allows comprehensive consideration of the reasonably anticipated scope of the project, as described in greater detail in Section 2.0.

1.3 KNOWN RESPONSIBLE AND TRUSTEE AGENCIES

As required by CEQA, this EIR defines lead, responsible, and trustee agencies. The City of Davis is the “Lead Agency” for the project because it holds principal responsibility for approving the project. The term “Responsible Agency” includes all public agencies other than the Lead Agency that have discretionary approval power over the project or an aspect of the project (CEQA Guidelines Section 15381). For the purpose of CEQA, a “Trustee” agency has jurisdiction by law over natural resources that are held in trust for the people of the State of California (CEQA Guidelines Section 15386).

The following agencies are considered Responsible or Trustee Agencies for this project, and may be required to issue permits or approve certain aspects of the proposed project:

- California Public Utilities Commission (CPUC) – Approval of At-Grade Railroad Crossing;
- California Department of Fish and Wildlife - Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code;
- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities, Clean Water Act 401 certification; and permitting of fill in isolated wetlands pursuant to the State’s Porter-Cologne Act;
- Central Valley Flood Protection Board – Approval of flood control plans;
- Yolo-Solano Air Quality Management District - Approval of construction-related air quality permits;
- Federal Emergency Management Agency (FEMA) - Conditional Letter of Map Revision (CLOMR);
- U.S. Army Corps of Engineers (USACE) – Issuance of 404 permit under the Clean Water Act for offsite infrastructure improvements within the F Street Drainage Channel and verification of the wetland delineation; and

- U.S. Fish and Wildlife Service (USFWS)- Possible Section 7 Consultation under the Endangered Species Act to determine impacts to special-status species within the F Street Drainage Channel.

1.4 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed project on March 9, 2012 to trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on March 27, 2012 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in **Appendix A**.

DRAFT EIR

This document constitutes the Draft EIR. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. This Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in this EIR. Upon completion of the Draft EIR, the City has filed the Notice of Completion (NOC) with the State Clearinghouse of the Governor's Office of Planning and Research to begin the public review period.

PUBLIC NOTICE/PUBLIC REVIEW

The City has provided a public notice of availability for the Draft EIR, and invites comment from the general public, agencies, organizations, and other interested parties. Consistent with CEQA, the review period for this Draft EIR is forty-five (45) days. Public comment on the Draft EIR will be accepted in written form and orally at a public meeting before the Davis Planning Commission. All comments or questions regarding the Draft EIR should be addressed to:

Katherine Hess, Community Development Administrator
City of Davis
Department of Community Development and Sustainability
23 Russell Boulevard, Suite 2
Davis, CA 95616
khess@cityofdavis.org

RESPONSE TO COMMENTS/FINAL EIR

Following the public review period, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public review period and to oral comments received at a public hearing during such review period.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The City will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete", the City Council may certify 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 in contemplation of environmental considerations.

The level of detail contained throughout this EIR is consistent with 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.

Following review and consideration of the Final EIR, the City may take action to approve, modify, or reject the project. A Mitigation Monitoring Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This Mitigation Monitoring Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

1.5 ORGANIZATION AND SCOPE

Sections 15122 through 15132 of the State CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include a description of the environmental setting, an environmental impact analysis, mitigation measures, alternatives, significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. Discussion of the environmental issues addressed in the Draft EIR was established through review of environmental and planning documentation developed for the project, environmental and planning

documentation prepared for recent projects located within the City of Davis, applicable local and regional planning documents, and responses to the Notice of Preparation (NOP).

This Draft EIR is organized in the following manner:

EXECUTIVE SUMMARY

This Executive Summary summarizes the characteristics of the proposed project, known areas of controversy and issues to be resolved, and provides a concise summary matrix of the project's environmental impacts and possible mitigation measures. This chapter identifies alternatives that reduce or avoid at least one significant environmental effect of the proposed project.

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, trustee, and responsible agencies, summarizes the process associated with preparation and certification of an EIR, and identifies the scope and organization of the Draft EIR.

CHAPTER 2.0 – PROJECT DESCRIPTION

Chapter 2.0 provides a detailed description of the proposed project, including the location, intended objectives, background information, the physical and technical characteristics, including the decisions subject to CEQA, related infrastructure improvements, and a list of related agency action requirements.

CHAPTER 3.0 - ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Chapter 3.0 contains an analysis of environmental topic areas as identified below. Each subchapter addressing a topical area is organized as follows:

Environmental Setting. A description of the existing environment as it pertains to the topical area.

Regulatory Setting. A description of the regulatory environment that may be applicable to the project.

Impacts and Mitigation Measures. Identification of the thresholds of significance by which impacts are determined, a description of project-related impacts associated with the environmental topic, identification of appropriate mitigation measures, and a conclusion as to the significance of each impact after the incorporation of mitigation measures.

The following environmental topics are addressed in this section:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources

1.0 INTRODUCTION

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

CHAPTER 4.0 – OTHER CEQA-REQUIRED TOPICS

Chapter 4.0 evaluates and describes the following CEQA required topics: impacts considered less-than-significant, significant and irreversible impacts, growth-inducing effects, cumulative, and significant and unavoidable environmental effects.

CHAPTER 5.0 - ALTERNATIVES TO THE PROJECT

State CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project, which could feasibly attain the basic objectives of the project and avoid and/or lessen any significant environmental effects of the project. Chapter 5.0 provides a comparative analysis between the environmental impacts of the project and the selected alternatives.

CHAPTER 6 - REPORT PREPARERS

This section lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

APPENDICES

This section includes all notices and other procedural documents pertinent to the EIR, as well as technical material prepared to support the analysis. The EIR appendices are available in electronic format. The appendices can be viewed online at

<http://community-development.cityofdavis.org/projects/the-cannery>

CD copies of the appendices are also available at the City of Davis Department of Community Development and Sustainability, 23 Russell Boulevard, Suite 2, Davis, CA 95616.

1.6 SIGNIFICANCE CRITERIA

In general, CEQA Guidelines define a significant effect on the environment as “a substantial, or potentially substantial” adverse change in the physical environment. A potential impact is considered significant if a project would substantially degrade the environmental quality of land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance (CEQA Guidelines §§15360, 15382).

Definitions of significance vary with the physical condition affected and the setting in which the change occurs. The CEQA Guidelines set forth physical impacts that trigger the requirement to make “mandatory findings of significance” (CEQA Guidelines §15065).

This CEQA document relies on three levels of impact significance:

1. Less-than-significant impact, for which no mitigation measures are warranted;
2. Significant impact that can be mitigated to a level that is less than significant; and,
3. Significant impact that cannot be mitigated to a level that is less than significant. Such impacts are significant and unavoidable.

Each resource area uses a distinct set of significance criteria. For example, a proposed project resulting in an exposure of persons to noise levels in excess of standards established in the local general plan or community plan would be considered a significant impact. If existing levels, without the proposed project, already exceed the standards, an increase in noise levels of 3 dB attributable to the proposed would be considered significant. Construction of appropriate sound walls could reduce the impact to a less-than-significant level. If criteria for determining significance relative to a specific environmental resource impact are not identified in the Guidelines, criteria were developed for this Draft EIR consistent with the past pattern and practice of the City of Davis.

The significance criteria are identified at the beginning of the impacts discussion for each resource area. These significance criteria promote consistent evaluation of impacts for all alternatives considered, even though significance criteria are necessarily different for each resource considered.

1.7 RESIDENTIAL PROJECT CEQA STREAMLINING

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

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

prepared for an SCS-consistent project is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project, as described under Public Resources Code Section 21159.28.

As described in greater detail in Section 3.7- Greenhouse Gases and Climate Change, the proposed project is consistent with SACOG's SCS and incorporates and/or addresses the mitigation measures contained within the SCS EIR, and as such, this EIR does not include an analysis of potential impacts related to growth inducement or impacts from cars and light-duty trucks on global climate change or the regional transportation network. Additionally, as allowed under SB 375, a reduced intensity alternative is not addressed in this EIR.

1.8 COMMENTS RECEIVED ON THE NOTICE OF PREPARATION

The City received 23 written comment letters on the NOP for the proposed Cannery Project Draft EIR. A copy of each letter is provided in **Appendix A** of this Draft EIR. A public scoping meeting was held on March 27, 2012 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Oral comments received at the NOP scoping meeting are also included in **Appendix A**.

1. Central Valley Flood Protection Board (March 29, 2012)
2. California Department of Transportation (Caltrans) (March 30, 2012)
3. Central Valley Regional Water Quality Control Board (April 6, 2012)
4. BJ Klostermon (April 10, 2012)
5. Sacramento-Yolo Mosquito and Vector Control District (April 12, 2012)
6. Pamela Heffley (April 11, 2012)
7. Pam Nieberg (April 11, 2012)
8. Jeffrey Lloyd (April 11, 2012)
9. Jose Pacheco (April 11, 2012)
10. D. Morgenthal (April 10, 2012)
11. Chris Peters (April 10, 2012)
12. Lydia Delis-Schlosser (April 10, 2012)
13. Roberta Stuart (April 9, 2012)
14. Jeri Kemp (April 6, 2012)
15. Judith Feldman and Douglas Hitchcock (March 28, 2012)
16. Tim Hoban (March 27, 2012)
17. Kenneth D. Celli (March 26, 2012)
18. Marian Derby (March 25, 2012)
19. Mary French (March 16, 2012)
20. George Heubeck (March 27, 2012)
21. Steve Hayes (March 27, 2012)
22. Rena Nayyar (March 27, 2012)
23. Roger Gambatese (March 27, 2012)

1.9 AREAS OF CONTROVERSY

Aspects of the proposed project that could be of public concern include the following:

- Conversion of undeveloped land to urban use
- Traffic congestion
- Introduction of new housing units and residents to the City of Davis, and related impact on City-enacted growth limitations
- Loss or degradation of biological resources and habitat
- Noise associated with project traffic and train horns
- Project impact on City-provided public services and facilities, including parks
- Project contribution to global climate change/greenhouse gas emissions
- Bicycle and pedestrian connectivity
- Development of the site as a residential mixed use project versus a business park

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