



COUNTY OF YOLO

Office of the County Administrator

Patrick S. Blacklock
County Administrator

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December 9, 2019

Sherri Metzker
Project Planner
City of Davis Community Development and Sustainability Department
23 Russell Boulevard, Suite 2
Davis, CA 95616

Re: Comments on Aggie Research Campus Project EIR Scoping

Dear Sherri Metzker:

The County of Yolo submits this letter to provide its initial comments on the Aggie Research Campus Project Environmental Impact Report (EIR) Scoping. Enclosed with this letter is the County's annexation policy framework. The County's annexation policy framework provides a starting point for comprehensively accounting for the impacts of a given annexation and subsequent development project while also offering potential mechanisms for addressing such impacts and providing public benefits. The issue of public benefits should be forefront throughout the planning process, ensuring that an annexation provides sufficient and equitable revenue to the County and City of Davis to address the increased need for public services.

Additionally, there are several issue of concern that emerged in prior iterations of this project that we hope are fully analyzed in the EIR including: additional traffic impacts on County roads, particularly County Road 32A; agricultural mitigation and buffers; affordable housing; and the increased demand for library services and the potential need for additional library facilities in the City of Davis. The Department of Community Services has also submitted a comment letter that discusses these technical concerns in more detail.

The County looks forward to working closely with the City of Davis as this process moves forward.

Sincerely,

Patrick S. Blacklock
Yolo County Administrator

Enclosure

cc: Yolo County Board of Supervisors
Mike Webb, City Manager, City of Davis

Annexation Policy Framework

Purpose and Objective

The annexation of land to a city—and in particular, the development and related activities that follow—can impact the County in a number of ways. The purpose of this document is to identify appropriate issues to consider in assessing the potential impacts of an annexation upon the County. While each proposed annexation will have to be evaluated individually, this document provides a good starting place for identifying issues that require consideration and, if appropriate, resolution through one or more of the following mechanisms:

- Tax-sharing Agreement
- Development Impact Fees
- Development Agreement
- CEQA Mitigation Measures
- Joint Planning/Environmental Review MOU
- Community Facilities District

Within the Land Use, Fiscal, and Infrastructure sections that follow, each category of potential impacts briefly references the mechanism(s) that may be best suited to implement measures that reduce or eliminate adverse effects on the County. The use of a Development Agreement to secure public benefits (net gains) should also be considered in connection with individual annexation proposals. Tax-sharing agreements can also be an effective mechanism for non-traditional allocations of property and sales tax revenues in a manner that enables counties to share in the fiscal benefits of development that follows annexations.

Land Use Impacts

Land use impacts vary greatly from project to project and necessarily require individualized analysis. This will typically happen through the environmental review process under the California Environmental Quality Act. Some of the more common issues to anticipate include the following:

1. Visual Impacts/Aesthetics.
 - Signage, particularly sign height and illumination
 - Architectural and landscape themes that complement the region’s agricultural heritage
 - Compatibility with surrounding neighborhoods

Mechanisms: Development Agreement, CEQA Mitigation Measures.

2. Agricultural Resources.
 - County land use policy (including General Plan/Zoning) considerations, including but not limited to foregone development opportunities
 - Project density/intensity
 - Loss of farmland and mitigation on like/better soils (preferably, 2:1 without stacking), within Woodland/Davis “greenbelt” or other strategic areas if feasible

- Appropriate buffers within the project site to minimize impacts on nearby farming operations
- Fencing or other measures to reduce trespassing and vandalism on adjacent farmland
- Proximity of proposed agricultural mitigation to existing conserved lands and the potential for “islands” of agriculture due to development patterns
- Agricultural sustainability/viability, particularly due to development-related impacts, and potential tie-in to Agricultural Economic Development Fund

Mechanisms: Development Agreement, CEQA Mitigation Measures, Joint Planning MOU

3. Growth Inducement.

- Potential for new infrastructure to ease the path for additional development, potential tie-in to countywide Capital Improvement Plan
- Effect on regional jobs/housing balance

Mechanisms: Development Agreement, Community Facilities District

4. Air Quality/Odors.

- Emissions from onsite uses, including industrial facilities and gas stations
- Odor impacts

Mechanisms: CEQA Mitigation Measures

5. Transportation/Traffic.

- Measures to reduce vehicle miles traveled and promote active transportation, including bus stops, bicycle paths, and ride-sharing programs, potential to tie-in to bicycle plan
- Construction of all infrastructure necessary to serve project and mitigate its impacts on existing facilities, potentially including road widening, turn lands, signals and signage, and (for major projects) freeway on-ramps, ingress and egress
- Ongoing road maintenance issues, including increased wear and tear
- Mitigation for short-term construction impacts

Mechanisms: Development Agreement, CEQA Mitigation, Joint Planning MOU, Community Facilities District

6. Climate Change/Greenhouse Gases.

- Energy efficient building design features, onsite solar, and public transit facilities are among the methods frequently used to address GHG emissions
- Consideration of relevant provisions of the County Climate Action Plan including EV charging stations (will vary by development)

Mechanisms: Development Agreement, Joint Planning MOU

7. Hydrology/Water Quality.

- Floodplain issues, including displacement of floodwaters and related regional/system effects (may be obviated by onsite detention or retention facilities)

Mechanisms: CEQA Mitigation Measures

8. Biological Resources.

- Swainson’s hawk mitigation (without easement stacking)
- Coordination with Habitat JPA on biological resources assessment and, as appropriate, mitigation of any impacts

Mechanisms: CEQA Mitigation Measures

9. Urban Decay

- Effect on existing shopping centers or other facilities that may be affected by a project
- Ability to address through infill rather than “greenfield” development

Mechanisms: Joint Planning MOU

Fiscal Impacts

Fiscal impacts include the revenue issues typically addressed in a tax-sharing agreement, and will also frequently include both direct and indirect impacts associated with the increased use of County facilities and services. Affected County facilities and services will commonly include including probation, law enforcement, health services, public works, solid waste (landfill), parks, and social services. County infrastructure (e.g., roads, bridges) is discussed separately below. Where practical, contributions to the Yolo County Agricultural Economic Development Fund should also be considered.

Mechanisms: Tax-sharing Agreement, Development Impact Fees, Development Agreement, Community Facilities District

Infrastructure Impacts

Effects on County infrastructure can be direct (e.g., road relocation) and indirect (e.g., bridge reconstruction to accommodate increased traffic). The extension of city utility services, such as water and sewer, also presents unique issues and opportunities, as annexations and related development can reduce the fiscal and other barriers to providing such services to existing portions of the unincorporated area.

Many such impacts will be identified and addressed—to varying degrees—through the environmental review process. However, conventional tools such as “fair share” contributions to new infrastructure are frequently inadequate to fully address effects on County facilities. Alternative approaches, including but not limited to Development Agreements as a means of securing dedicated funding for such improvements and/or implementation of the countywide Capital Improvement Plan, may be appropriate in some cases.

Mechanisms: Tax-sharing Agreement, Development Impact Fees (as CEQA Mitigation Measures or otherwise), Development Agreement, Community Facilities District

From: Boyd, Ian@Wildlife <Ian.Boyd@Wildlife.ca.gov>

Sent: Wednesday, November 27, 2019 1:48 PM

To: Sherri Metzker <SMetzker@cityofdavis.org>

Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>

Subject: CDFW comments on the Notice of Scoping Meeting and Preparation of a Supplemental EIR for the Aggie Research Campus Project (SCH#2014112012)



Hello Ms. Metzker,

The California Department of Fish and Wildlife (CDFW) received the Notice of Scoping Meeting and Preparation (NOP)[SCH#2014112012] from the City of Davis (City) for the Aggie Research Campus Project. CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

On September 19, 2017, the City Council adopted Resolution 17-125, certifying the Final Environmental Impact Report (EIR) for the Mace Ranch Innovation Center Project (MRIC). Immediately following certification, the related planning applications were put on hold. On June 11, 2019, the City received a letter from the property owners of the MRIC project site requesting the City recommence with processing of their application, which has been renamed as the Aggie Research Campus Project (Project). The proposed 185-acre site is located immediately east of the

City of Davis city limits in Yolo County and approximately 2.5 miles east of downtown Davis. The Project would include up to 2,654,000 square feet of innovation center/business uses and 850 residential units of varied sizes and affordability. Since the application was put on hold, changed circumstances have been identified and the City has determined it is necessary to prepare a Supplemental EIR (SEIR) to evaluate all the changed circumstances since the certification of the 2017 EIR.

CDFW is responding as a **Trustee Agency** for fish and wildlife resources, which holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW may potentially be a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) if it may need to make discretionary actions under the Fish and Game Code, such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code, § 1600 et seq.) and/or a California Endangered Species Act (CESA) Incidental Take Permit (Fish & G. Code, § 2080 et seq.).

CDFW offers the comments and recommendations presented below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources:

Mitigation Measure 4.4-11 of the MRIC EIR requires the project applicant to comply with the mitigation/conservation requirements of the Yolo Natural Heritage Program (a precursor to the Yolo Habitat Conservation Plan/Natural Community Conservation Plan [Yolo HCP/NCCP]). The Yolo HCP/NCCP was adopted in January 2019 and provides a method for obtaining coverage under the California Endangered Species Act and/or mitigating for impacts to covered special-status species if full avoidance is not feasible. Section 3.5.1.3.1 of the Final Yolo HCP/NCCP includes this project as a covered activity for adverse terrestrial effects associated with development. CDFW recommends that the SEIR rewrite Mitigation Measure 4.4-11 to include an updated status of the Yolo HCP/NCCP and include a description of the procedures that the project applicant or City will take to obtain coverage under the Yolo HCP/NCCP.

Mitigation Measures 4.4-2 through 4.4-6 of the MRIC EIR require the project applicant to avoid, minimize, and/or mitigate for impacts to special-status species and their habitats. Following the previous comment for Mitigation Measure 4.4-11, CDFW recommends that any mitigation for the temporary and permanent impacts to valley elderberry long-horned beetle (*Desmocerus californicus dimorphus*), giant garter snake (*Thamnophis gigas*), burrowing owl (*Athene cunicularia hypugaea*), Swainson's hawk (*Buteo swainsoni*), white-tailed kite (*Elanus leucurus*), and tricolored blackbird (*Agelaius tricolor*) host-plant, aquatic, nesting, and/or foraging habitat be coordinated through the Yolo HCP/NCCP. CDFW recommends that the mitigation measures in the SEIR include a discussion on how impacts for the above mentioned species will be mitigated through the Yolo HCP/NCCP.

Mitigation Measure 4.4-7 of the MRIC EIR requires the project applicant to Notify CDFW pursuant to Section 1602 of the Fish and Wildlife Code for work within the bed and banks in the Mace Drainage Canal. For clarification, CDFW's regulatory authority is administered through the "Fish and Game Code". CDFW recommends that the SEIR should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the Mace Drainage Canal and any other streams, rivers, or lakes and associated biological resources/habitats that may occur because of the Project. CDFW approval of projects subject to Notification under Fish and Game Code section 1602, is facilitated when the SEIR discloses the impacts to and proposes measures to avoid, minimize, and mitigate impacts to these features. If mitigation is proposed for the loss of riverine, lacustrine, and/or wetland habitat, CDFW recommends including mitigation measures that require mitigating through the Yolo HCP/NCCP.

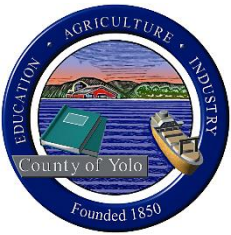
CDFW appreciates the opportunity to comment on the NOP for the SEIR for the Project, and requests that the City consider CDFW's comments. If you have any questions pertaining to these comments, please contact me at (916) 358-1134 or ian.boyd@wildlife.ca.gov.

Thank you,

Ian Boyd
Environmental Scientist
Habitat Conservation Program
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County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

Taro Echiburú, DIRECTOR

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December 9, 2019

VIA E-MAIL

City of Davis Community Development and Sustainability Department
23 Russell Boulevard, Suite 2
Davis, CA 95691
Attn: Sherri Metzker, Principal Planner
SMetzker@cityofdavis.org

Dear Ms. Metzker:

The County of Yolo Department of Community Services appreciates the opportunity to provide comments regarding the proposed Supplemental EIR for the Aggie Research Campus during the City's scoping period. County staff seek to engage early with the City to continue ongoing discussions regarding one of the County's highest priorities, which is the preservation of agricultural resources.

As expressed in the comment letter submitted by the County Administrator in 2015 regarding the Mace Ranch Innovation Center (MRIC) Draft EIR, County staff carry forth many of the same concerns related to the analysis and proposed mitigation. These include the need for real and substantial ag mitigation for the temporary or permanent loss or limitation in future uses of surrounding ag lands, disclosure and analysis of any offsite storm water retention or drainage anticipated as part of the project or project alternative, incorporation of the HCP/NCCP, inclusion of sufficient traffic analysis and related mitigation for county roads, and inclusion of adequate low income housing for people of all income levels associated with this or surrounding development, including service workers in the hotel and food industries.

AGRICULTURE

It is important to note that the loss of ag land can never be fully mitigated. Agricultural land is a limited resource that can never be replaced once removed from ag production. While ag mitigation in the form of agricultural preservation easements may help preserve and protect other ag lands, this type of mitigation does not make up for the permanent loss of the developed ag land. Therefore, there must be an evaluation to limit the loss of ag land, and secondly that the ag mitigation be real and substantial – that is, commensurate to the true loss of availability, utility or use of ag lands. This is the philosophy of Yolo County, and towards this we offer the following comments with regard to agriculture:

Agricultural Buffer

The City is encouraged to refer to policies in the Countywide General Plan that seek to protect existing farm operations from impacts related to the encroachment of urban uses through use of an increased minimum buffer, as opposed to the City's minimum standard cited in Municipal Code Section 40A.010.050. Specifically, Policy LU-2.1 in the County's Land Use and Community Character Element recommends a minimum 300-foot setback for *ensuring the proposed development will not adversely affect the economic viability or constrain the farming practices of nearby agricultural operations*. Including a larger setback for the Aggie Research Center within the modified project footprint could

also effectively offset the diminished value of mitigation previously adopted for the MRIC, which is addressed below.

It is unclear whether or not the City intends to annex some or all the 25-acre City-owned parcel that is no longer proposed for 'development', portions of which will be still used for agricultural buffering and thus be taken out of agricultural production. The updated CEQA documentation should specify these characteristics. County objectives for preserving agricultural land discourage placing such buffers on active agricultural land that is outside the development footprint, which severely limits or reduces altogether continued agricultural activity. Thus, if the 25-acre parcel will be annexed and/or used for buffering, mitigation for the loss from this agricultural piece of property must be considered in the CEQA document.

County staff concur with Yolo County LAFCo that provision of a 'minimum' agricultural buffer as prescribed by the City's Municipal Code (reference Impact 4.2-4 of the Draft EIR for the MRIC project) may be insufficient for the significance of the proposed project. Therefore, we respectfully request that the City consider not only changes to existing conditions at the project site, but also those conditions that might affect the immediate and surrounding agricultural lands.

While the complexity of reviewing a development proposal on agricultural land not yet annexed into the City requires careful consideration of both City and County Ordinances, it is equally relevant that the County's General Plan Policies are reviewed to ensure that surrounding agricultural lands remaining in the unincorporated area are not adversely affected. Thus, County staff request that the City re-visit the analysis prepared for Impact 4.2-4 of the Draft EIR for the MRIC (reference chapter 8-8 of the Mixed-Use Alternative Analysis) with respect to the *Agricultural Buffer and Adjacent Ongoing Farming Operations*.

Impacts to Adjacent Ongoing Farming Operations

Mitigation 8-8 for the Mixed-Use Alternative (reference Mitigation Measure 4.2-4) requires that the applicant "attempt to purchase a 'no aerial spray' easement from the adjacent property owner," but is silent if such an attempt fails. Such a request puts the burden on the agricultural operator and not the developer, which is contrary to the County's goals and principles for enhancing and preserving agriculture. Thus, prior comments from the County and LAFCo on the MRIC project should be reconsidered for the Aggie Research Campus's site plan, including provisions for implementing a 500-foot buffer within the development footprint and referencing the County's Right-to-Farm Ordinance. Absent the acquisition of a no aerial spray easement from adjacent property owners whose pest-control options will be constrained by neighboring development, the project should have to mitigate for the reduced productive potential of those impacted areas.

Other relevant changes to consider since the original EIR are any updated spray permit conditions for the use of restricted materials, e.g., definition of sensitive uses, buffer increases, etc.; and, potential use of unrestricted materials at adjoining and nearby agricultural operations. Unlike application of restricted materials, unrestricted applications don't require permitting or permit conditions but can result in nuisance complaints if proper buffers are not imposed and the County's Right-to-Farm Ordinance has not been referenced. The City is encouraged to coordinate with the Agricultural Commissioner on such changes and requirements.

The Final EIR for the MRIC concluded that approval of a surface mining permit, reclamation plan, and financial assurances would be required in accordance with the County's Agricultural Surface Mining and Reclamation Ordinance (Chapter 8 of Title 10, Yolo County Code of Ordinances). The Supplemental EIR for the Aggie Research Center should identify the extent to which these provisions will apply to the modified project. Furthermore, the EIR discussed connecting storm water drainage to

city facilities, with a caveat of installing onsite detention if this is not feasible. The project should not impact or exacerbate potential offsite flooding. However, if use of additional agricultural lands is required or anticipated for potential storm water drainage or retention or other improvements, then this should be disclosed and analyzed for annexation into the City, with mitigation for the loss of agricultural lands, whether temporary or permanent.

TRAFFIC

County staff encourage the City to analyze traffic according to current traffic analysis methodologies and in consideration of current and anticipated traffic patterns on Covell Blvd. east of Hwy 113, Mace Blvd, and County Road 32A, as well as routes used to avoid traffic on I-80 (including CR 27 and 28H). As the City is well aware, these roads are receiving increased traffic due to apps that provide drivers alternative routes. These roads are also frequented by bicyclists. In consideration of these factors, and knowing the tendency of drivers to use alternative routes, including future residents and workers at the Aggie Research Campus, we request a thorough analysis of traffic and circulation impacts and the inclusion of related mitigation (including to mitigate adverse safety impacts) as appropriate. It is important to note that Road 32A is also an important route for solid waste collection trucks and agricultural equipment, and this should be included in the analysis. We also encourage you to consider facilities to improve transit and active transportation (i.e. bicycling and walking) to mitigate traffic impacts.

REDUCING VMT THROUGH AFFORDABLE HOUSING

One of the changes since the original EIR is CEQA's increased emphasis on vehicle miles traveled, or VMT. One of the most effective methods of reducing VMT for a commercial project is to allow workers to live near their jobs. County staff encourage the City to require affordable housing at the proposed project for people and families of all income levels, including service workers, such as those working in the hotel and restaurant industries.

* * *

County staff look forward to strengthening our relationship with City staff and are eager to continue discussions related to matters outlined in this comment letter. My staff is available to work with you at these early stages of the process to adequately analyze and address the project's potential impacts. Thank you for allowing the County an additional opportunity to provide comments on proposed development at the 'Mace curve'.

Sincerely,



Taro Echiburu
Director
Department of Community Services

Cc (via e-mail only):
Supervisor Don Saylor
Supervisor Jim Provenza
County Administrator Pat Blacklock

Sherri Metzker
December 9, 2019
Page 4

City Manager Mike Webb



Burrowing Owl Preservation Society

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December 4, 2019

Sherri Metzker, Planner
City of Davis
23 Russell Blvd
Davis, CA 91616

These comments address the supplemental EIR for the Aggie Research Campus project.

The Mace Ranch Innovation Center (MRIC) FEIR did not adequately assess impacts to biological resources, specifically impacts to Western Burrowing Owl. The FEIR was inadequate because, 1) burrowing owl surveys were not conducted according to California Department of Fish and Game 2012 Staff Report on Burrowing Owl Mitigation, and 2) cumulative impacts to the regional burrowing owl population were not assessed, and 3) mitigations listed, pre-construction survey and “passive relocation” are **not** mitigations.

California Department of Fish and Wildlife’s Staff Report Burrowing Owl Mitigation Guidelines 2012 recommend three burrowing owl surveys during breeding season when the owls are most detectable, April 15 to July 15. Breeding season surveys were not conducted.

Cumulative impacts excerpt from Staff Report:

“At a minimum, if burrowing owls have been documented to occupy burrows (see Definitions, Appendix B) at the project site in recent years, the current scientific literature supports the conclusion that the site should be considered occupied and mitigation should be required by the CEQA lead agency to address project-specific significant and **cumulative impacts**. Other site-specific and regionally significant and cumulative impacts may warrant mitigation.”

The following is excerpt from the Staff Report:

Cumulative effects. The cumulative effects assessment evaluates two consequences: 1) the project’s proportional share of reasonably foreseeable impacts on burrowing owls and habitat caused by the project or **in combination with other projects** and local influences having impacts on burrowing owls



A non profit organization dedicated to increasing the burrowing owl population through education and enhancement of grassland habitat



Burrowing Owl Preservation Society

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and habitat, and 2) the **effects on the regional owl population** resulting from the project's impacts to burrowing owls and habitat. As set forth in more detail in Appendix A, the current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow.

Some of the mitigations listed in the MRIC FEIR are not mitigations. For example, pre-construction survey is not mitigation. It is take avoidance.

Exclusion or "passive relocation" is not mitigation. It is a significant impact. The following excerpt from the Staff Report (pg 10)

Burrow exclusion and closure. Burrow exclusion is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Exclusion in and of itself is not a take avoidance, minimization or mitigation method. Eviction of burrowing owls is a **potentially significant impact** under CEQA.

Since the certification of the MRIC FEIR on September 19, 2017, conditions affecting the burrowing owl population have changed. Land available for foraging has decreased. Projects have been built on land previously available for foraging, and pending projects will decrease foraging habitat even further.

The burrowing owl population around Davis is trending toward extirpation. Loss of habitat affects a much greater impact on the regional population.

The MRIC FEIR did not assess the impacts to burrowing owl habitat from construction activities. The majority of available burrows near the project site are at the edge of the county roads. Heavy equipment and staging of materials will significantly impact burrowing owls. All burrows must be protected.

Impact Assessment Staff Report (pg 7)

Type and extent of the disturbance. The impact assessment describes the nature (source) and extent (scale) of potential project impacts on occupied, satellite and unoccupied burrows





Burrowing Owl Preservation Society

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including acreage to be lost (temporary or permanent), fragmentation/edge being created, increased distance to other nesting and foraging habitat, and habitat degradation. Discuss any project activities that impact either breeding and/or non-breeding habitat which could affect owl home range size and spatial configuration, negatively affect onsite and offsite burrowing owl presence, increase energetic costs, lower reproductive success, increase vulnerability to predation, and/or decrease the chance of procuring a mate.

The 25 acres of City own property adjacent to the project is burrowing owl breeding and foraging habitat. The project proposes planting trees and other tall vegetation on six and a half acres of the City's 25 acres. Changing the vegetation type is a significant impact to burrowing owls as owls cannot use land with tall vegetation. This loss of habitat should be included in the impact assessment.

Compensatory mitigation should be paid to the Yolo Habitat Conservancy, not to Elsie Gridley mitigation bank. Elsie Gridley provides no burrowing owl conservation value.

Thank you for your thoughtful consideration,

Catherine Portman, CEO/President



A non profit organization dedicated to increasing the burrowing owl population through education and enhancement of grassland habitat

Comments from: Lynne H. Cunningham, Davis resident, homeowner
Email: lynnecunningham9@gmail.com
Phone: 530-752-2396

Project Description:

TRANSPORTATION / TRAFFIC comments:

To propose this at the curve, on a 2-lane roadway is asking too much of the residents, business owners and travelers of Davis. This is a development planned to guarantee a traffic bottleneck identical to South Mace Blvd. I do not believe this project should be approved for development until this section of Mace Blvd. north of I-80 has been expanded to a 4-lane roadway. The 4-lanes need to be continuous from I-80, continuing through the curve eastbound Covell, and connecting to existing 4-lane roadway. I am a resident, not a business owner. In other municipalities, privately funded improvements to City or State infrastructure has been a requirement prior to the development of a business campus. Amenities such as additional traffic lights, signage, landscape, sidewalks, along with roadway widening and the funding to design and develop those need to be required from the developer.

Why is this development being proposed if it's dependent on another amendment to the General Plan? In this proposal, not only an amendment for a parcel that's twice the size as the Cannery is being requested, an entirely new land use category is as well.

What expansion to existing YoloBus service is proposed, and will they have input on design?

Bus stops should have structures for shade, wind, rain protection, with adequate lighting, seating, curb cuts.

What transportation linkage to the Davis Amtrak station is proposed?

CONSTRUCTION:

What dust mitigation is proposed for this project for demolition and construction? In windy conditions or still-air conditions, the dust from demolition and construction will be formidable for adjacent neighbors. As part of the construction of the Cannery project, no dust mitigation was provided whatsoever for the demolition of the Hunt Wesson plant. Dust, particulates etc. especially in windy conditions were terrible. Adjacent neighborhoods suffered.

LAND USE PLANNING comments:

Recreation amenities are appearing sterile and boring, with little thought for intelligent siting.

LAND USE PLANNING comments:

Why, in a development of this size and usage, is there no outdoor pool? A pool could be used by residents, workers, hotel guests, etc. The ARC has the layout appearance of a corporate campus: boring and user-hostile.

Has Ikeda's Fruit Stand been contacted to see if they're interested in pursuing their permitted cafe, as previously proposed and denied by Davis City Council? Alternative options for eating would be a positive in adding connections to existing businesses.

CITY SERVICES comments:

Does the City of Davis have a Hazardous Material response unit operational now, for the proposed bio-medical, manufacturing and storage uses proposed?

Land Use Plan:

Why is there no identified transit hub for buses, vanpools and alternative transportation on the Land Use Plan? These uses were proposed in the Project Description.

I don't believe adequate roadway/ pullout/ turning radius planning is adequate for regional YoloBus or Uni bus transportation.

I don't believe adequate roadway/ pullout/ turning radius planning is adequate for firetrucks, trash & recycling trucks.

Why is the largest, open green park space sited along the busiest route, Mace Drive? That's unsafe for casual play and passive recreation for anyone including children, pets, and the road noise / traffic is distracting. The location is not a positive feature for a well-designed park, or green space.

The building sites situated along Alhambra Drive have green spaces which are shown open to prevailing north winds, and shaded in winter rather than being oriented in the other direction, green spaces open to the south. Why? If buildings were sited so that the green space is open to the south, wind mitigation is achieved. Sun shading can be achieved with other architectural features.

From: Todd Edelman <todd@deepstreets.org>
Sent: Monday, December 9, 2019 4:54 PM
To: Sherri Metzker <SMetzker@cityofdavis.org>
Subject: ARC - Supplemental Environmental Impact Report
Importance: High

Dear Ms Metzker,

In regards to the Recommended Project Alternatives for the for the proposed "Aggie Research Center", I would like to provide the following comments.

The EIR and information provided subsequently at official City of Davis activities, distribution channels, events etc. **DOES NOT** re-assure me to any reasonable extent that:

- 1- The development at full build-out has to exist in a single location;
- 2 - The proposed activities / functions / purposes / uses have to exist in a single location;
- 3 - The proposed activities / functions / purposes / uses can be best fulfilled at this location;
- 4 - The proposed activities / functions / purposes / uses can be best fulfilled - in general terms
- at a current peripheral location;

5 - The proposed mobility solutions will fully - or nearly fully - mitigate the negative impacts of the project. For example:

a) The re-design process for the adjacent I-80 project has an unclear outcome. It's not clear how the ARC team etc are sharing information with Caltrans District 3 (CD3), let alone having substantial conversations. Information provided by CD3 shows worsening congestion and other negative transport impacts in all of its Alternatives.

b) There's no information if shuttles of any sort or even extensions to the cycling network will be used in any significant level in lieu of travel to the proposed site by individual automobile transport, especially because of its peripheral location, relatively close or simply perceived proximity to existing areas of Davis, West Sacramento and Sacramento, etc. along familiar transportation routes for individual automobile transport.

c) Any fee'd temporary storage of personal motor vehicles (typically referred to as "paid parking") of the type that might conceivably be proposed for the site - on private lots - is completely unprecedented in the City of Davis, and in the immediate region (outside of the UC Davis campus), and - in addition to an unclear picture of how this would encourage alternative means of travel to the site - it's not clear if any costs to the employee will not simply be built into their salary or pay;

6 - Revenues from the proposed activities / functions / purposes / uses will be available to significantly improve the lives of residents and visitors to the City of Davis by way of provision of improved facilities of any sort (general infrastructure, schools, transportation, etc.);

7 - Some or all of the activities / functions / purposes / uses proposed cannot be fulfilled in a superior manner by placing them closer to Downtown, existing schools, inter-regional transportation nodes, etc.;

8 - The City, in its original scoping activities, EIR, and other actions - and especially in lieu of a modern and new General Plan nor continuous and robust activities following recent studies on infill development - has a reasonably complete analysis and picture of alternative means to fulfill the proposed activities / functions / purposes / uses for the proposed project.

Sincerely,

Todd Edelman

1320 Locust Pl. Davis CA 95618

415-613-0304

From: William Fleeman <doby@andeman.biz>
Sent: Monday, December 9, 2019 3:34 PM
To: Sherri Metzker <SMetzker@cityofdavis.org>
Subject: Resident Comments - ARC Scoping Meeting - EIR

Sherri,

Thanks for inviting public comment and participation. Unfortunately, I was unable to personally attend the original evening's presentation. Nonetheless, I do have strong opinions concerning the negative aspects of the EIR process as presently proscribed and mandated by CEQA.

For the community, the EIR process unnecessarily starts off any conversation about development on a negative footing, and places both the developer and the City in a defensive posture. In addition to agreeing with this statement, it represents a paraphrasing of my takeaway from conversation with former Davis Mayor Robb Davis.

Without commensurate, counter balancing forces in support of a given project – many projects would fail in the court of “underinformed” public opinion – on the simple basis that change is more often than not a unwelcome option/undesirable outcome.

Sadly, the City of Davis has no recognized Economic Development Commission which might otherwise be charged with making the positive case for new development or otherwise afforded the

opportunity to present the glass half full side of the discussion.

But more to the same point, the EIR process is designated as the first report out of the gate after announcement of any project.

In addition to these basic points, there is much a much more insidious aspect to conditions surrounding the current ARC development proposal – primarily stemming from a failure of the City, the County and CalTrans to adequately forecast, plan and develop the infrastructure necessary to accommodate traffic flow for residential and commercial development along the Covell Corridor, 2nd & 5th Street connecting corridors plus route 102 from Covell north (and including Woodland's Spring Lake Development) plus expansion of the Downtown traffic without any new access corridors over the past twenty five years – the cumulative result of which is now evident with morning and evening commute and congestion patterns along the Covell/Mace/I-80 intersection. Without benefit of the relevant contextual background, explaining the legacy of existing conditions, it seems plausible that an EIR report could come back with a negative finding and/or punitive developer recommendations associated with the current transit infrastructure limitations.

Truth of the matter is that without benefit of an integrated, forward-looking transportation plan the City is rapidly closing in on traffic conditions at this location which will could effectively foreclose any further development – residential or commercial – which would invite or rely upon addition traffic volumes via this critical corridor.

The reality for correcting this situation is not, and should not be, the responsibility of the ARC developer to resolve, much less to finance.

The real question then becomes, how will the City plan to lead a constructive conversation towards a successful resolution of the present situation such that the community does not lose out on this exciting opportunity to consider a new, world class development designed expressly to foster new employment and career opportunities directly linked to the world class research being conducted at UC Davis?

If the EIR scoping process and subsequent report are not sufficiently capable of addressing the simple questions and challenges presented by this short email, then how and when does the City intend to incorporate necessary analysis and discussion of these important issues – along with its own recommendations and proposals - in its process of evaluating the current application?

Long and short, an EIR process which either diminishes or otherwise compromises the City's and the Community's ability to entertain and fully explore all issues relevant to ongoing fiscal sustainability and economic health of the community should not be considered as serving the best long term interests of its own employees, its private employers and property owners, its residents, the environmental ecosystem or the development community.

William Fleeman
Business and Property Owner

Attn. Sherri Metzger City of Davis
12/9/2019

Dear Ms. Metzger,

Below please find my questions for the ARC Supplemental EIR .

Background: Mixed Use Alternative

- The Aggie Research Campus Project Description (on the city of Davis website) states at the bottom of page 13 that “the housing at ARC will not be restricted to employees only but will, consistent with Fair Housing Act requirements, be available to the community at large”.
- In contrast, the traffic assumptions for the Mixed Use Alternative in the final EIR for the MRIC are based on 100% employee occupancy (at least one resident in each home will work on site).
- In Chapter 4 page 7 of the final EIR, 4 measures are outlined that the city council and/or MRIC could take to restrict housing to employees.
- The final EIR also states (Chapter 4 page 9) that in the Mixed Use Alternative significant traffic impacts will occur if employee occupancy of the project housing drops below 60%.
- Additionally, according to Fehr and Peers’, recent traffic counts on key roadway segment serving the project may result in new significant impacts or increase in the severity of identified impacts (in staff report awarding the ARC supplemental EIR contract).
- Furthermore, according to the project description on the city of Davis website on page 13, “Construction of the residential units will be timed to slightly trail the commercial development so that jobs are created onsite prior to offering housing”.

Question 1. What percent employee occupancy of ARC housing is needed now to ensure that new significant traffic impacts do not occur or the severity of identified traffic impacts does not increase?

Question 2. Doesn’t the supplemental EIR need to mandate as a mitigation that the city council put in place a mechanism to restrict the housing to ARC employees before the project goes forward to prevent new traffic impacts or prevent the increase in the severity of identified traffic impacts?

Question 3. Doesn’t the supplemental EIR need to stipulate as a mitigation that the commercial development must be actively hiring to ensure that jobs are in fact in place before construction of ARC housing to prevent new traffic impacts or to prevent the increase in the severity of identified traffic impacts?

Question 4. In the land use plan drawing shown at the city scoping meeting for the supplemental EIR, the intersection at Alhambra Dr. and Mace Blvd. is enlarged and it looked as though the median strip leading into Mace Ranch along Alhambra was removed. What effect will enlarging the intersection (and/or removing the median strip there) have on traffic calming as this intersection is an entrance to the Mace Ranch neighborhood?

Question 5. How will the level of fire response time to the proposed housing at ARC be impacted if new or more severe traffic impacts are identified in the supplemental EIR?

Background:

- Since the MRIC EIR was completed, the city has released a draft of the Downtown Specific Plan that calls for the addition of 1500 housing units by 2040. The Downtown plan calls for a revitalization of downtown by putting in housing, more mixed use and making the downtown the identity of Davis.
- The city general plan has a goal of infill development and discouraging urban sprawl.

Question 5. How does the housing component of the ARC comply with the principles of the Downtown Specific Plan and the General Plan of Davis?

Sincerely,

Pamela Gunnell
1123 Villaverde Lane
Davis CA 95618

To Mike Webb, Ashley Feeney, Sherri Metzker:

From: Rik Keller

I am writing this to discuss emails that Mr. Feeney sent me on 11/26 (4:55PM) and 11/27 (5:06PM) that contained responses to emails I sent out on 11/24 (11:00PM) and 11/25 (6:49PM), that were follow-ups and extensions to an information request that Colin Walsh emailed on 11/24 (9:06PM) regarding the **Scoping meeting and Notice of Preparation (NOP) for the Supplemental EIR (SEIR) for the ARC project.**

First, I want to thank you for your prompt responses during a busy pre-holiday shortened week. However, the actual content of these responses only serves to confirm and reinforce the statement I made on 11/25 that ***the City should prepare adequate and accurate information in advance of a Scoping meeting and reschedule the meeting until after such information has been circulated for an adequate amount of time to allow for adequate questions by citizens and interested agencies at the meeting, and provide a response deadline after that in order to provide for "meaningful responses to the proposed scope of the EIR."*** The City should also provide adequate time to address potential changes to the EIR scope after this process, and provide a revised schedule for the preparation of technical reports for the EIR that will rely on this scoping. ***Public scoping is a critical step for producing an adequate environmental review, and I would hope the City treats it as such, rather than as an afterthought tacked onto the project schedule at the last minute as it is clear that has been done so far.***

The following is a summary list of the issues that I explain in detail subsequently:

- The City has not provided adequate information to the public to provide meaningful responses for the scope of the SEIR.
- The City and its consultant have not completed the Final Project Description that was scheduled for 11/25.
- In lieu of providing this the City has instead circulated inaccurate, misleading, and downright false information about a project comparison of the current ARC application/proposal to the previous Mixed-Use Alternative ("MU Alt") in the EIR for MRIC.
- The City has allowed an attorney apparently representing the developer to provide inaccurate and misleading information directly to the public without vetting from the EIR consultant or, most importantly, the City itself.
- In doing this, the City has breached the public trust and compromised the SEIR scoping process. It has made itself complicit in distributing inaccurate information about the proposal. If the City continues with the Scoping meeting tonight as planned and presents this misinformation as planned it will then knowingly be complicit in the further spread of misinformation and falsehoods.

I will go through the responses provided by the City and the project attorney and discuss details about the problematic nature of them, the questions that have not been answered, the misleading and false information that has been provided.

Ash's response on 11/26 states:

"While the notice for the scoping meeting was not an official NOP (as this is not mandated but voluntary) and did not include a detailed project description, it was not determined necessary to do so given that the proposed Aggie Research Campus project is very similar in scope to the Mixed-Use Alternative that was evaluated in the MRIC EIR. The meeting is intended to focus more appropriately on collecting comments related to the changes in circumstances that may have occurred in the project vicinity since the certification of the MRIC EIR in 2017, given that this is an important criterion to consider when preparing further environmental documents for projects..."

My comments on this:

- The City states that there is not an *explicit* legal requirement to prepare a NOP for the SEIR. However, it is standard practice for jurisdictions in California to do so.
 - In order to justify its decision not to provide a legally-adequate NOP, the City should catalog SEIRs that have been prepared for projects within its jurisdiction and projects that the environmental consultants for this project, Raney Planning & Management, Inc., have completed that have not included a NOP.
- There is also a question that once a jurisdiction has decided to publish a NOP as the City of Davis had done on 11/15/2019 (entitled "Notice of Scoping Meeting and Preparation of a Draft Environmental Impact Report"), if it can legally provide a NOP that does not meet State CEQA law requirements in terms of the contents. The City needs to provide a legal justification for this that discusses precedent.
- The City directly admits that it has not provided an adequate "detailed project description" in this NOP, which is one of the State law requirements for a NOP.
 - Even the minimal Project Description provided in the NOP contains factual errors. For example, it states "The project consists of the proposed ±212-acre Aggie Research Campus (ARC) site," which is not true because the project size has been reduced to 185 acres (or 187, depending on the document).
- This email response did not address my primary concern in by 11/24 email: that the City did not provide sufficient information to allow "meaningful responses" to the SEIR scope
- The email also did not address my requests in my email on 11/25 that the City provide an update on the completion status of three tasks in the "tentative schedule" contained in the Raney proposal dated 10/25/2019 (and stamped 11/5/2019 for the City Council meeting)--these involved the completion of the Project Description.

- The email also did not respond to my specific question of why the NOP was circulated before the Final Project Description has been drafted, approved, and circulated. Nor did it address how the City could expect that this would allow for "meaningful responses" given the NOP does not contain the Final Project Description.
- The City states that "the proposed Aggie Research Campus project is very similar in scope to the Mixed-Use Alternative that was evaluated in the MRIC EIR, " however it does not provide any information with which to compare the two proposals. Based on my analysis below, there are actually substantial differences between the two projects.
- The email also states that "The meeting is intended to focus more appropriately on collecting comments related to the changes in circumstances that may have occurred in the project vicinity," however it also does not provide any information on the changes in circumstances that may have occurred that would be essential in providing comments on the proposed scope
- **It should be noted that if there are significant changes to the project itself that the SEIR also needs to address these. However, the City seems to be ruling this out before adequate scoping and comparison has been made, and has come to the premature conclusion that these won't be addressed.**

Ash's email on 11/27 states that

"the applicant delivered a letter and two associated comparative exhibits today. Our team was able to get them uploaded to our webpage for the project before the holiday closure. Here is the link where you will find the uploaded materials..."

This letter on Taylor & Wiley letterhead dated 11/27 that is linked to on the City's project site for ARC discusses preparation of the "subsequent CEQA analysis" and also provides a "list of ARC components that differ from the MRIC Mixed-Use Alternative." The letter also describes attached tables:

"The distinctions and similarities between ARC and the Mixed-Use Alternative analyzed in the MRIC EIR are further displayed on two tables that are being submitted with this letter. We will publicly display these tables at the scoping meeting on December 2, 2019 for the benefit of those in attendance."

As discussed below, taken together the list and the tables are incomplete, inaccurate, misleading, and downright false at times. In addition they mischaracterize the MRIC MU Alt itself and thus provide an inadequate basis for comparison to the new proposal.

- The attorney states that "Per our discussion this week, we understand that a few members of the public have questioned why the City has determined that the Aggie

Research Campus (ARC) may utilize the environmental analysis conducted on the MRIC Mixed-Use Alternative as the basis of its environmental review and CEQA compliance”

- This was not a question that either Colin or myself raised, and it appears to be a strawman argument by the attorney.
 - As stated in an email Mr. Feeney sent to Colin Walsh at 5:28AM 11/27: “I have previously requested that the applicant submit a comparison of the ARC proposal to the MRIC mixed-use alternative proposal. This implies that this was an outstanding request that the City had put into the developer previously, and not an immediate response to the questions that Colin and I raised a week ago.
 - The attorney states that he is responding to an information request from Mr. Feeney earlier that week. This would mean that the request was after Colin’s and my initial information requests. **This calls into question why the City waited this long to try to obtain even minimal comparative data between the projects. Can the City clarify when this critical information was requested from the developer and why this was not done prior to the NOP and scoping meeting announcement being distributed?**
- **There are large discrepancies between the attorney’s description of the MRIC MU Alt and the actual contents of the MU Alt as described in the EIR. These are misleading at times, and downright false at other times. Given that the attorney’s purpose appears to be to try to downplay any differences between the two, information it is irresponsible for the City to present this information.**
 - **This information is posted under “Project Information” on the City’s website. And when someone clicks on the link for “Land Use Comparison Table for ARC and MRIC” it just provides the table. It doesn’t say it is from the developer’s attorney. It is presented as if it is accurate project information straight from the City. The City also irresponsibly plans to present this information at the Scoping meeting tonight, further misinforming the public about the project.**
 - **The City has allowed an attorney apparently representing the developer to provide inaccurate and misleading information directly to the public without vetting from the EIR consultant or, most importantly, the City itself. In doing this, the City has breached the public trust and compromised the SEIR scoping process, and has made itself complicit in distributing inaccurate information about the proposal.**

Major discrepancies, misleading statements, misinformation, and falsehoods include the following:

Land use comparison

- There is a statement that “In sum, ARC proposes the exact type and scale of land uses that were analyzed in the MRIC Mixed-Use Alternative, at the same physical location,

but on a footprint that has been reduced by 25 acres. Additionally, the site layout, including general land uses, roadways, points of access onto existing infrastructure, and nonautomotive paths of travel remain largely unchanged.”

- This is false in several respects, **Most glaringly there are large discrepancies in open space/parks acreage and parking acreage, and the ARC development proposes a large number of single-family homes, something that wasn't included at all in the MRIC MU Alt. Furthermore the summary data provides no supporting data from which to determine whether the net FAR ratios of the two proposals are as described.**
- To re-state this: the tables from the developer's attorney make false statements that MRIC MU Alt had single family housing (and parking requirements). The EIR document itself states “The Mixed-Use Alternative includes up to a maximum of 850 residential, workforce housing units. The housing for this Alternative does not include detached single family housing.” The City is incredibly negligent in posting this information without vetting it and verifying its accuracy
- The “Land Use Comparison Table for ARC and MRIC” on the City website states that the MU Alt had an Agricultural Buffer of 20.1 acres and 22.6 acres in Parks and Greenways. However, this is false information and drastically understates what was actually in the Alt.
- The MRIC MU Alt actually had 55.7 acres classified as Parks & Greenways + a 20.1 acre ag buffer = 75.8 acre total parks/open space, which was 36% of total 212 acre site area
- The ARC proposal shows 15.1 ac Parks & Greenways + 13.6/22.6 acre ag buffer (depending on the document looked at--it appears that the lower number is the figure actually on the site itself) = 28.7 acres total parks/open space = 15% of the total 187 acre site area.
- **The ARC project has about 2.5 times less open space/parks acreage than the MRIC MU Alt, but by presenting false information about what the MU Alt contained, the developer has tried to claim that they are close to being equivalent. The City is incredibly negligent in posting this information without vetting it and verifying its accuracy**

Parking comparison

- There is not a description of the number of parking spaces nor of the total parking area of the project in the MRIC EIR for either the main project or the MU Alt.
 - I understand that there was information somewhere else in project documentation that the proposal included about 9,000 parking spaces. However, I have been unable to locate this information.

- The EIR does state that for the main project “The parking ratios utilized for the proposal are consistent with those required by the City’s Municipal Code” and that **“The parking ratios utilized for the office/commercial components of the Mixed-Use Alternative are consistent with those required by the City’s Municipal Code.”**
- **However, the table in the “Parking Comparison Table for ARC and MRIC” on the City website gives false information about what the City’s parking requirements are multiple times and thus provides a mistaken account of the actual parking required. The mistakes are so widespread that almost every single number in the table is wrong.**
 - The table misstates R&D/office/laboratory uses at 1,570,000 sq. ft. compared to 1,610,000 in the “Land Use Comparison Table for ARC and MRIC” and 1,510,000 in other project documents.
 - The table states that “Advance Manufacturing” requires 1 parking space per 1,000 sq. ft. floor area in City Code. This is false. City Code actually states “Multi-tenant buildings utilized typically by light industrial, research, service types of uses, where office use does not exceed more than thirty-five percent of building area: one space per four hundred square feet or major fraction thereof.” OR “Manufacturing plants, research or testing laboratories and bottling plants, one for each one and one-half employees in the maximum working shift.” Depending on what use is actually more consistent, the table likely understates required parking for these uses substantially.
 - The table states that City Code requires one parking space for every 1.5 hotel rooms/units. This is false. City Code states “Hotel uses require “1 parking space per one space for each living or sleeping unit.”. The City would also require additional parking for the conference center uses, but these are totally ignored by the developer.
 - The table states that the MRIC MU Alt and the ARC proposal both call for 40,000 sq. ft. of retail. As stated elsewhere, both projects actually include 100,000 sq. ft. of retail, so the amount of required parking for this is drastically understated by the developer.
 - The table breaks down the residential parking requirements for single family and multi-family units. However, there were no single family units at all in the MRIC MU Alt. As discussed above, this is a substantial difference between the current ARC proposal and the MU Alt.
 - The table also misstates what actual residential parking requirements are. It states that single family units require 1.5 spaces per unit, while City Code actually states that a minimum of 2 spaces are required: “SF detached units require “one covered and one uncovered off-street parking space for dwellings containing four or fewer bedrooms.” And likewise “Dwellings, duplex and single-family attached, one covered and one

uncovered off-street parking space for dwellings containing three or fewer bedrooms, and one additional space for each bedroom in excess of three.”

- The table states that multifamily units require 1 parking space for every unit, while City Code actually requires more for any unit larger than 1-bedroom: efficiency/1 bedroom = 1 space, 2 bedroom = 1.75 spaces, 3+ bedroom = 2 spaces.
- **Given all of these errors, a more realistic accounting of the number of parking spaces required by City Code in the MRIC MU Alt would be around 8,000 (or close to the 9,000 figure cited earlier)**
- **The proposal for the ARC for 4,340 parking space thus represents a figure that is about half of City requirements. However, there are no project changes from the MRIC MU Alt that would affect the parking demand.**
- **It is unclear whether the SEIR will update assumptions regarding travel demand/mode split and whether there is any data that would support halving the projected car traffic (and parking needs) to the site that were projected as 91% of all trips in the EIR. This looks more like an effort by the developer to try to keep the acreages/floor area the same of the developed numbers the same while the site size was reduced by 25 acres, rather than a realistic assessment of parking needs.**
- **It should be noted further that even using highly optimistic assumptions of non-car mode split, the MUA Alt in the MRIC EIR only showed a reduction of 13% of the car trips from the standard project.**
- It should also be noted that the “Comparison of Land Uses by Type” table makes no effort to describe the actual area taken up by on-site parking. For example the 4,340 parking spaces in the ARC proposal would take up approximately 30-40 acres based on industry standards. But this is not accounted for at all.

ARC EIR Scoping comments

Rik Keller

12/16/2019

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I. Proper Project Description and Summary of Changes is Required

Insufficient and inadequate information provided for scoping purposes

The City has not provided adequate information to the public to provide meaningful responses for the scope of the SEIR.

The scoping meeting on 12/2/2019 and the materials provided by the City on its ARC project portal and in the 11/15 NOP/Notice of Scoping Meeting are incomplete and show false information. They do not provide an adequate basis for input into the EIR scoping process to start with.

- According to State law, “the Notice of Preparation should provide the Responsible Agencies with sufficient information describing the project and the potential environmental effects to allow the Responsible Agencies to make a meaningful response. At a minimum, the information should include:
 - Description of the project: *[this is minimal and does not describe changes to the project from the project in the original MRIC EIR]*
 - Location of the project indicated on an attached map. *[Not included]*
 - Probable environmental effects of the project.” *[Not included . There is no section describing the categories of impact that the Supplemental EIR proposes to analyze further (and/or revise the original analysis)].*

- In short there is not sufficient information provided to “allow meaningful responses.”

The City states that there is not an explicit legal requirement to prepare a NOP for the SEIR. However, it is standard practice for jurisdictions in California to do so.

- In order to justify its decision not to provide a legally-adequate NOP, the City should catalog SEIRs that have been prepared for projects within its jurisdiction and projects that the environmental consultants for this project, Raney Planning & Management, Inc., have completed that have not included a NOP.

- There is also a question that once a jurisdiction has decided to publish a NOP as the City of Davis had done on 11/15/2019 (entitled “Notice of Scoping Meeting and Preparation of a Draft Environmental Impact Report”), if it can legally provide a NOP that does not meet State CEQA law requirements in terms of the contents. The City needs to provide a legal justification for this that discusses precedent.
 - For an amendment like this SEIR, there is no explicit requirement to do another NOP if the changes are not significant. The threshold for "Significant" is that, ultimately, the baseline used for the first EIR has not changed and there are not more mitigation measures needed or the severity of the impact has not

increased. The overall umbrella is if the lead agency (City of Davis) feels that the changes are things the public needs to know, they can then require a secondary NOP process.

- Since this has been done, the City has made the determination that changes rise to the “significant” level and it must meet legal requirements for the NOP

Addressing information needs before scoping

Complete Project Description

- The City and its consultant have not completed the Final Project Description that was scheduled for 11/25. Regarding the NOP/notice of scoping meeting that is dated 11/15/2019, given that State law mandates that the NOP contain a project description, how/why was the NOP circulated before the final project description has been drafted and approved? This does not allow for "meaningful responses". Based on the schedule adopted contract with the SEIR Consultants, the following three tasks were supposed to be completed before the 12/2/2019 scoping meeting but were never provided to the public.
 - "Prepare Supplemental EIR Project Description": November 13, 2019
 - "Receive City edits on Supplemental EIR Project Description": November 20, 2019
 - "Prepare Final Supplemental EIR Project Description ": November 25, 2019
- The City directly admits that it has not provided an adequate “detailed project description” in this NOP, which is one of the State law requirements for a NOP.
 - Even the minimal Project Description provided in the NOP contains factual errors. For example, it states “The project consists of the proposed ±212-acre Aggie Research Campus (ARC) site,” which is not true because the project size has been reduced to 185 acres (or 187, depending on the document).

Project Comparison

In order for proper scoping of the SIR to occur, a complete comparison of the previous MRIC-MU Alt project and the proposed ARC project \must be completed. In lieu of providing this the City has instead circulated inaccurate, misleading, and downright false information about a project comparison of the current ARC application/proposal to the previous MRIC-MU Alt in the EIR

- The City has allowed an attorney apparently representing the developer to provide inaccurate and misleading information directly to the public without vetting from the EIR consultant or, most importantly, the City itself.
- In doing this, the City has breached the public trust and compromised the SEIR scoping process. It has made itself complicit in distributing inaccurate information about the proposal.

II. Prepare an Adequate NOP and Re-start the Scoping Process

Public scoping is a critical step for producing an adequate environmental review, and I would hope the City treats it as such, rather than as an afterthought tacked onto the project schedule at the last minute

- Given the flaws and omissions in the NOP contents detailed above, the City needs to prepare an adequate NOP that fully addresses all State law requirements, and recirculates it for the full required comment period of 30-days after registered mail receipt by OPR.
- The City should then provide a revised timeline/schedule for the EIR process so that citizens know what to anticipate. Even with the unrevised scoping period now stretching beyond 12/9/2019, it is difficult to see how the Consultant could possibly address changes to the SEIR scope and produce adequate technical reports in that short time period (further shorted by the holidays) by 1/9/2019 as currently scheduled.
- Given the substantial changes to the project that I document below and that other commenters on the scoping bring up, it is highly questionable whether a “Supplemental EIR” is sufficient for the project.
 - After a full description of proposed project changes, the City needs to provide a complete analysis of whether the threshold for requiring a Subsequent EIR has been met.
 - Based on a preliminary comparison of project changes, some of which are detailed below, many do seem substantial and would rise to that threshold requiring a Subsequent EIR rather than a Supplemental EIR
 - Why did the City of Davis publish hastily-prepared, sloppy, and factually mistaken documents from developer’s attorney, and do this without any oversight or vetting? And why is the City relying on these documents as the basis for its opinion about the noticing requirement, as well as the scope of the EIR update in general, and whether it should be a Supplemental or Subsequent EIR?

II. Changes to Surrounding Circumstances

This is all that the NOP for the project states about changed circumstances around the project:

“In the ensuing years since the MRIC EIR was certified, there have been changed circumstances. Therefore, the city has determined it is necessary to prepare a Supplemental EIR to evaluate all the changed circumstances since the certification of the 2017 EIR.”

An email from Assistant City Manager Ashley Feeney on 11/26/19 stated that “The [12/2/2010 scoping] meeting is intended to focus more appropriately on collecting comments related to the

changes in circumstances that may have occurred in the project vicinity,” however it also did not provide any information on the changes in circumstances that may have occurred that would be essential in providing comments on the proposed scope.

- Because the proposed scope of study in the SEIR for changes circumstances is not even described in the NOP or scoping meeting documents, this is entirely inadequate and provides nothing to comment on.
- The City needs to include a thorough description of these changed circumstances in a new NOP before conducting a scoping meeting and soliciting scoping feedback.

III. Changes to the Project

If there are significant changes to the project itself that the SEIR also needs to address these. However, the 11/26 email from Assistant City Manager Ashley Feeney seemed to be ruling this out before adequate scoping and a comparison of ARC to MRIC-MU has been made, and has come to a premature conclusion that these will not be addressed.

- The City needs to clarify in the scoping that it will address changed circumstances within the project itself, as well as to update existing data and assumptions that are outdated and have been superseded by more recent and accurate data and assumptions.

The letter on Taylor & Wiley letterhead dated 11/27/2019 that is linked to on the City’s project site for ARC discusses preparation of the “subsequent CEQA analysis” and also provides a “list of ARC components that differ from the MRIC Mixed-Use Alternative.” The letter also describes attached tables:

“The distinctions and similarities between ARC and the Mixed-Use Alternative analyzed in the MRIC EIR are further displayed on two tables that are being submitted with this letter. We will publicly display these tables at the scoping meeting on December 2, 2019 for the benefit of those in attendance.”

As discussed below, taken together the list and the tables are incomplete, inaccurate, misleading, and downright false at times. In addition they mischaracterize the MRIC-MU project itself and thus provide an inadequate basis for comparison to the new ARC proposal.

- There are large discrepancies between the attorney's description of the MRIC MU Alt and the actual contents of the MU Alt as described in the EIR. These are misleading at times, and downright false at other times. Given that the attorney's purpose appears to be to try to downplay any differences between the two, information it is irresponsible for the City to present this information.

- This information is posted under “Project Information” on the City’s website. And when someone clicks on the link for “Land Use Comparison Table for ARC and MRIC” it just provides the table. It doesn’t say it is from the developer’s attorney. It is presented as if it is accurate project information straight from the City. The City also irresponsibly plans to present this information at the Scoping meeting tonight, further misinforming the public about the project.
- The City has allowed an attorney apparently representing the developer to provide inaccurate and misleading information directly to the public without vetting from the EIR consultant or, most importantly, the City itself. In doing this, the City has breached the public trust and compromised the SEIR scoping process, and has made itself complicit in distributing inaccurate information about the proposal.

Land Use

- There is a statement in the attorney’s 11/27 letter that “In sum, ARC proposes the exact type and scale of land uses that were analyzed in the MRIC Mixed-Use Alternative, at the same physical location, but on a footprint that has been reduced by 25 acres. Additionally, the site layout, including general land uses, roadways, points of access onto existing infrastructure, and nonautomotive paths of travel remain largely unchanged.”
 - This is false in several respects, Most glaringly there are large discrepancies in open space/parks acreage and parking acreage, and the ARC development proposes an increased number of single-family homes.
 - Furthermore the summary provides no supporting data from which to determine whether the net FAR ratios of the two proposals are as described.

Open/Green Space

The “Land Use Comparison Table for ARC and MRIC” on the City website states that the MU Alt had an Agricultural Buffer of 20.1 acres and 22.6 acres in Parks and Greenways. However, this is false information and drastically understates what was actually in the Alt.

- The MRIC MU Alt actually had 55.7 acres classified as Parks & Greenways + a 20.1 acre ag buffer = 75.8 acre total parks/open space, which was 36% of total 212 acre site area
 - In addition a proposed mitigation measure states that in order for development to meet its requirement for park land, other green spaces, and ag buffers per City parks and open space standards required a total of 77.0 acres

- The ARC proposal shows 15.1 ac Parks & Greenways + 13.6 acre ag buffer (*with an additional 9 acres of ag buffer off-site, which is not allowed according to City Code) = 28.7 acres total parks/open space = 15% of the total 187-acre site area.
 - *The developer is trying to claim 9 acres of the City's 25 acres as on-site open space, thus inflating their tabulation.
- The ARC project has about 2.5 times less open space/parks acreage than the MRIC MU Alt, but by presenting false information about what the MU Alt contained, the developer has tried to claim that they are close to being equivalent. This is a significant project change and the material for ARC does not list in accurately in an effort to state the projects are substantially similar to avoid more detailed environmental review. This change needs to be addressed in the project comparison before scoping is done.

Residential

- The MRIC MU land use diagram only shows about 134 single family residential lots compared to 194 shown in the in the ARC land use diagram—almost 50% increase in single family units
 - The ARC diagram still doesn't account for all 280 of the single family units described in the "Parking Comparison Table for ARC and MRIC"
- Based on a comparison of the areas shown in the two diagrams, the total acreage of the housing has also increased substantially from the MRIC MU Alt to the current ARC proposal.
- This is a significant project change and the material for ARC does not list in accurately in an effort to state the projects are substantially similar to avoid more detailed environmental review. This change needs to be addressed in the project comparison before scoping is done.

Parking

The City also posted a table (received from the developer's attorney) entitled "Parking Comparison Table for ARC and MRIC" on the City website that provides false information about what the City's parking requirements are multiple times and thus provides a mistaken account of the actual parking required. The mistakes are so widespread that almost every single number in the table is wrong.

There is not a description of the number of parking space nor of the total parking area of the project in the MRIC EIR for either the main project or the MU Alt.

The EIR does state that for the main project "The parking ratios utilized for the proposal are consistent with those required by the City's Municipal Code" and that "The parking ratios utilized for the office/commercial components of the Mixed-Use Alternative are consistent with those required by the City's Municipal Code."

- The table misstates R&D/office/laboratory uses at 1,570,000 sq. ft. compared to 1,610,000 in the “Land Use Comparison Table for ARC and MRIC” and 1,510,000 in other project documents.
- The table states that “Advance Manufacturing” requires 1 parking space per 1,000 sq. ft. floor area in City Code. This is false. City Code actually states “Multi-tenant buildings utilized typically by light industrial, research, service types of uses, where office use does not exceed more than thirty-five percent of building area: one space per four hundred square feet or major fraction thereof.” OR “Manufacturing plants, research or testing laboratories and bottling plants, one for each one and one-half employees in the maximum working shift.” Depending on what use is actually more consistent, the table likely understates required parking for these uses substantially.
- The table states that City Code requires one parking space for every 1.5 hotel rooms/units. This is false. City Code states “Hotel uses require “1 parking space per one space for each living or sleeping unit.”. The City would also require additional parking for the conference center uses, but these are totally ignored by the developer.
- The table states that the MRIC MU Alt and the ARC proposal both call for 40,000 sq. ft. of retail. As stated elsewhere, both projects actually include 100,000 sq. ft. of retail, so the amount of required parking for this is drastically understated by the developer.
- The table breaks down the residential parking requirements for single family and multi-family units. However, there appear to be substantial difference between the amount of single family housing in the current ARC proposal and the MU Alt.
- The table also misstates what actual residential parking requirements are. It states that single family units require 1.5 spaces per unit, while City Code actually states that a minimum of 2 spaces are required: “SF detached units require “one covered and one uncovered off-street parking space for dwellings containing four or fewer bedrooms.” And likewise “Dwellings, duplex and single-family attached, one covered and one uncovered off-street parking space for dwellings containing three or fewer bedrooms, and one additional space for each bedroom in excess of three.”
- The table states that multifamily units require 1 parking space for every unit, while City Code actually requires more for any unit larger than 1-bedroom: efficiency/1 bedroom = 1 space, 2 bedroom = 1.75 spaces, 3+ bedroom = 2 spaces.

Given all of these errors, a more realistic accounting of the number of parking spaces required by City Code in the MRIC MU Alt would be around 8,000-9,000 spaces

- The proposal for the ARC for 4,340 parking space thus represents a figure that is about half of City requirements. However, there are no project changes from the MRIC MU Alt that would affect the parking demand.

- It is unclear whether the SEIR will update assumptions regarding travel demand/mode split and whether there is any data that would support halving the projected car traffic (and parking needs) to the site that were projected as 91% of all trips in the EIR.
- This looks more like an effort by the developer to try to keep the acreages/floor area the same of the developed numbers the same while the site size was reduced by 25 acres, rather than a realistic assessment of parking needs.
- It should be noted further that even using highly optimistic assumptions of non-car mode split, the MUA Alt in the MRIC EIR only showed a reduction of 13% of the car trips from the standard project.
- It should also be noted that the “Comparison of Land Uses by Type” table makes no effort to describe the actual area taken up by on-site parking. For example the 4,340 parking spaces in the ARC proposal would take up approximately 30-40 acres based on industry standards. But this is not accounted for at all.
- The ARC project materials understate this significant project change. This change needs to be addressed in the project comparison before scoping is done, including an accurate assessment of what existing City parking standards for the site would add up to and what parking acreages would total by land use type.
- The SEIR also need to tie in the traffic demand projections to the parking demand projections using a realistic assessment based on industry standards for this type of development.

IV. Existing EIR Issues

The City needs to update existing data assumptions in the MRIC EIR that are outdated and have been superseded by more recent and accurate data and assumptions. It also need to correct factual misstatements and misrepresentations.

The City’s Objectives and Project Objectives Need To Be Revised for Accuracy

The described project and City objectives in Chapter 7 are too narrowly-focused towards describing the specific size of the project and not the broader goals the City is seeking. This makes the alternatives analysis deficient. The EIR also provides misleading information about City policy and omits key City policy direction in its General Plan that also leads to a deficient analysis of alternatives..

- The text under #1 of “City Objectives for Innovation Centers” conflates a number of documents and has the effect of stating that some documents are adopted city policy when they are not. The EIR states the following under “City Objectives for Innovation Centers” in Chapter 3:

“The City of Davis proposes to achieve the following objectives with a new innovation center. These reflect findings of the 2010 Business Park Land Strategy; Innovation Park Task Force, 2012, Davis Innovation Center Report (Studio 30); adopted 2012 Dispersed Innovation Strategy; the 2014 Davis Innovation Center Request for Expressions of Interest (RFEI) and 2014 Guiding Principles for Davis Innovation Center(s).”

- And then the #1 objective the EIR lists references the 2012 Studio 30-produced “Davis Innovation Center Report” regarding a site “200 acres in size” and then later states “the fundamental objectives of the City... to develop an integrated innovation center campus of approximately 200 acres in size...” **However, a 200-acre site is not an adopted City objective. The information from Studio 30 was done for a UC Davis class and is not a City document, nor is it City policy.** The actual City Council-adopted “2014 Guiding Principles for Davis Innovation Center(s)” are listed starting with #2 in the EIR list (“Density”). The City’s Guiding Principles do not include a description of a target size of a potential “innovation center.”
- The EIR defines the City’s economic development goals far too narrowly and does not consider that the same types of uses could be provided for on scattered sites with sufficient development capacity to meet 20-25 year needs.
 - When objectives are defined too narrowly, an EIR’s treatment of alternatives is inadequate, because they unreasonably limit alternatives analyses.
 - See *Watsonville Pilots Association v. City of Watsonville (2010) 183 Cal.App.4th 1059* where an EIR for update of City’s General Plan did not consider “reduced development alternative,” even though approved General Plan would have SU impacts on agricultural land. City argued EIR did not need to consider such an alternative it would be inconsistent with the City’s objective to accommodate future demand for housing and employment. The decision held the EIR inadequate because a “reduced development alternative” would meet most of the City’s other objectives.
- Numerous adopted City policies and guidance emphasize the City’s strategy to develop and redevelop land within city limits and only look at peripheral land outside of city limits when the land within the city has been ...
 - The 2010 Business Park Land Strategy states “When community priorities for existing vacant land are established, it may then be appropriate to explore the subject of whether Davis should pursue additional commercial land to support business growth.”

- The “Working Draft Comprehensive Economic Development Strategy 2011-2016” adopted by City Council in 2011 states merely that “Form a task force to explore research park options and space suitable for start-ups and medium size businesses that are beyond the start-up phase within the city limits and in areas immediately outside current city boundaries.”
- The City of Davis General Plan Chapter 5. Economic and Business Development Economic cDevelopment Element states under Action “f” under Policy ED 3.2 [my emphasis]:

Study opportunities to designate lands for “green” technology, high technology and University related research uses within or adjacent to the City. Work closely with the local business community, community leaders and U.C. Davis officials in determining when and where such uses can best be accommodated in addition to the 25-acre enterprise site planned on the UC Davis campus. Preference should be given to sites that are viable economically and consistent with compact City form principles. As part of this study:

- **Consider re-designating or rezoning land(s) within the City limits (as of January 1, 2001) from Industrial, Business Park or General Commercial to research-oriented Business Park uses (that is, uses which allow a wider range of high technology, research and development uses than a URRP and which are complementary to UC Davis);**

- **Encourage second floor and underground building construction to maximize the space available to accommodate URRP needs within the City limits;**

- *Key considerations in such re-designation or rezoning shall include the timing of these potential development(s) and impacts and demands caused by these potential developments on the City and the Davis community. Impacts to address include, but are not limited to: traffic, water, housing (for example, growth demand), schools, effects on neighborhoods, and economics (for example, cost benefits and cost generation to the City); and*

- **Designation of a peripherally sited URRP shall only occur after:**
 - a) **It is determined that lands within the City limits would not meet the needs for “research-oriented” Business Park uses.**
 - b) *Specific guidelines for development projects on the periphery of the City are adopted.*

Insufficient Analysis of Alternative

Because of the narrow and deficient definition of the project/City objective, the EIR does an inadequate job on analyzing the Alternatives in Chapter 7, including the Reduced Site Size Alternative, the Reduced Project Alternative, and the Infill Alternative. The SEIR needs to consider the development capacity of land within city limits to address at least a portion of the demand that the ARC project is.

- Additionally, because the “Mixed Use Alternative” has now become the main project proposal, the EIR needs to look at potentially viable alternatives for the land uses it contains over the next 20-25 years. For example, with the large amount of the site devoted to residential uses and open space requirements for those uses, 200 acres of commercial/industrial property elsewhere in the city is no longer needed as a 1:1 comparison--the amount provided by the ARC proposal is much less--and a much-reduced amount of land could be considered sufficient. The alternatives should all be reexamined and reevaluated in the context of land that would potentially be available within city limits for the commercial/industrial/retail/residential uses.
- The Reduced Project Alternative analysis states among other things that “it fails to achieve the fundamental objectives of the City or the applicant to develop an integrated innovation center campus of approximately 200 acres in size, with sufficient land to meet demand over a 20 to 25 year period.”
 - Again, this is not an actual City objective. This entire analysis needs to be redone
 - The SEIR needs to examine capacity on existing city land that could meet a 20-25 year demand
- The Reduced Site Size Alternative states that it has an “overall FAR of 0.77” which is more than the 0.49 FAR of the MRCI proposed project.
 - However, it is substantially less than the 0.92 FAR of the proposed ARC project, therefore the findings regarding the Reduced Site Size Alternative such as “design challenges and may be too dense to attract some desirable R&D users” need to be discarded and reevaluated.
 - Furthermore, it should be restructured so that it does not merely place the same amount of square footage on a reduced site area. If the SEIR wants to consider placement of all of the proposed project square footage, it needs to look at capacity on existing city land.

Chapter 7 (Alternatives Analysis) briefly discusses and then dismisses an “Infill Alternative” (IA). This discussion is inadequate and based on superseded and outdated data. It needs to be revised and thoroughly considered.

- As the EIR text states “As the infill alternative would involve multiple small locations throughout the City, it does not meet the fundamental objectives of the City or the applicant to develop an integrated innovation center campus of approximately 200 acres in size, with sufficient land to meet demand over a 20 to 25 year period, and a critical mass of users of various sizes sufficient to support the necessary infrastructure and amenities to allow for a full range of research and market uses.
 - This is not valid. It produces a tautology wherein the goals of the City are to do the project, and therefore any alternative that does not do the project does not meet the goals.
 - A 200-acre site is not a City objective in the first place

- The text states that “According to the vacant land information, out of the 32 properties, only 24 vacant sites, totaling approximately 82 acres, are currently available for development, meaning these 24 vacant sites are appropriately zoned for office and industrial building types, are available on the market, and do not currently have development plans.”
 - Since the MRIC/ARC proposals are scheduled for phasing over 20-25 years, discarding large amounts of vacant land because it is not *immediately* available does not apply the same standards to the IA as to the proposed project that is phased and is not planned to be built out for 20-25 years.
 - For land use planning purposes, a vacant/ buildable/ underdeveloped is intended to provide a summary of land designated/zoned for certain uses over a long time period: 20-30 years. Whether all of that land is immediately available (“shovel-ready”) is generally not an important consideration as long as it is available in a long-term perspective.

- The text also states that “In addition, other vacant parcels in the City or vicinity are not currently owned by the project applicant, and acquisition of the number of parcels sufficient to develop the proposed project would be difficult.
 - The fact that the current proposed developers of the ARC project do not currently own these other parcels is not a valid reason to dismiss this alternative out of hand:
 - A valid test is not whether an alternative costs more, or whether proponent can afford it, but whether cost is so much greater that a reasonably prudent proponent would not proceed (see *Uphold Our Heritage v. Town of Woodside [2007]*).
 - Substantial evidence of economic infeasibility is required. In order to demonstrate this, the SEIR should prepare and include an economic report in the record (see *The Flanders Foundation v. City of Carmel-by-the-Sea [2012]*).

- The text also states “Overall, undeveloped parcels of similar size to the proposed project site, which are designated and zoned appropriately for the project, do not exist in the City.”

- This is also not a valid reason. Infill parcels are, by their nature, smaller and more scattered than a contiguous 200-acre site
- The text states: “Additionally, the ability of one centrally developed and managed center to produce net community benefits in the form of fiscal benefits, economic multiplier effects, and surplus annual revenue is greater than that of many individual small users/sites.”
 - This is vague and not supported by any evidence whatsoever. The central economic literature in the field actually states the opposite regarding these supposed effects.
 - For example see *The False Promise of the Entrepreneurial University* (2009) Marc V. Levine, Center for Economic Development, University of Wisconsin Milwaukee
 - The EIR needs to conduct an analysis of these differences or delete these unsupported assertions
- The text states: “Similarly, impacts related to transportation and circulation could potentially be greater than the proposed project based on the consideration that all of the sites making up the Infill Alternative would not have easy access to I-80; therefore, trips would be distributed throughout the City, sometimes along local collectors.”
 - This suggestion ignores the potential reductions to automobile trips from infill sites, and also does not provide any data to support it.
 - The EIR needs to conduct an analysis of these differences or deleted these unsupported assertions

Analyze Development Capacity Within City

Chapter 5 of the EIR itself references figures regarding development capacity on existing city land (see Table 5-2 Projected Office/Industrial/Commercial Development). While the assumptions were very conservative and low-density in still showed the capacity included 2 million square feet of floor area, a figure far exceeding that of the proposed project.

In January 2019, the City of Davis released an updated commercial land inventory. This inventory does not address city owned property, commercially viable property outside of the city limits, or those properties that may be zoned commercially but underutilized and therefore pose potential redevelopment opportunities like the PG&E corporation yard for example.” The City stated that this initial inventory was **“the starting point for preparing analysis of what vacant commercially designated lands offer in potential commercial square footage available for economic development. Staff would like to return to Council with an in-depth discussion of this vacant commercial land inventory in the context of the City and the region, the potential uses and theoretic commercial square footage capacity of the undeveloped**

land, and recommendations for next steps on using this and other key information to build an economic development strategy that aligns with the goals of the Council.”

Adequately addressing the feasibility and capacity of an infill strategy in the Infill Alternative, requires analyzing not only vacant land, but also underutilized, and redevelopable land as well. And not just what is available now, but looking down the road 20-25 years with the development of sensitivity models for the likelihood of development given changing economic conditions and demographics.

- The SEIR needs to be updated to not only address and integrate the information in the updated inventory, but the larger issue of development feasibility and capacity on infill sites that is central to the City's economic development strategy as referenced above.
- The SEIR needs provided updated development capacity numbers for this land based on the infill goals in City policy that include densification of uses.
- The SEIR also needs to include an analysis of not only this vacant land, but also potentially underutilized and redevelopable land, City-owned land, and other land that could potentially be re-zoned to meet commercial/industrial needs that could be developed with the 20-25 year timeframe.

Jobs/Housing Balance

- The EIR uses outdated and wrong figures for the jobs/housing ratio for Davis (e.g. jobs-housing balance on p. 4.12-6)
 - Because of this, the EIR wrongly describes Davis as having a housing/jobs balance tilted heavily toward housing because it ignores UC Davis employment.
 - It also describes the proposed project as “improving the jobs/housing balance because it will add jobs, when it will actually exacerbate the existing jobs/housing imbalance
 - See p.. 4.12-19: [my emphasis] “Using the methodology presented above, with full buildout of the MRIC and the addition of 5,882 jobs, the jobs/housing balance in the City of Davis would **improve** to 0.55 (25,739/[28,683 x 1.62] = 0.55).19”
- The EIR needs to be updated with jobs/housing balance figures from the most recent SACOG MTP for Davis area. It should also reference the jobs/housing balance data that is contained in the Fiscal Analysis done by EPS for the MRIC project
 - Any analysis that is based on jobs/housing balance in the rest of the EIR needs to be updated to reflect these updated and accurate numbers.

- Additionally, the following portions of the EIR use SCOG regional targets for employment growth targets (e.g. see p. 5-47 [my emphasis] “According to SACOG, the entire proposed project and Davis IC Project (comprising the MRIC and Mace Triangle) would not exceed SACOG’s **regional** employment projections
 - However, this is inadequate. The SEIR should be updated to include a comparison of project growth against the SACOG’S most recent growth targets for population/housing/jobs growth within the SACOG-defined Davis “Employment Center”

Realistic Assumptions for Employee/Residents and Employees/Households

- The SEIR needs to provide realistic assumptions regarding residents of the proposed project who projected to be employees
- The SEIR also needs to provide realistic assumption regarding the number of employees per household
- Unless the project is a company town in which employees are required to live there, there is no justification to assume on-site housing will only consist of workers
- There is also no justification to assume that each household within the project that is occupied by an employee would have more than one employee (1.57 in each according to the MU Alt)
- A realistic adjustment of these figures based on current City of Davis rates as well as those from similar projects will show much lower rates of these than currently in the MU Alt. I turn these figures will have significant impacts on other areas that need to be recalculated such as traffic and parking
 - For example, it is likely that without the extremely high number of employees assumed to be living on-site in the MU Alt, the traffic numbers would be worse for MU Alt than the baseline project.
 - Parkland/ open space and open space needs will also increase because of the reduction of the overlap between employees and residents

Dec. 4, 2019

Here are my comments regarding the scoping meeting and draft environmental impact report for the Aggie Research Campus Project.

My main focus is making sure the 25 acres owned by the city to protect burrowing owl habitat continues correctly. Currently the plan would have this project take 6 ½ acres from the 25 acre burrowing owl habitat to build the ag buffer along the northwest corner. This is not acceptable. The property owners need to use their own land for the ag buffer, and not encroach on this habitat. The 25 acres was purchased with Measure O funds, and should never be used for anything else. s

When building the ag buffer, **not using any of the 25 acres of city land**, native plants should be planted in the section adjacent to the burrowing owl habitat. Additionally, there should be a plan in place to maintain the plants, and grasses, for the benefit of the burrowing owls.

Another important consideration is the timing of the previous EIR. Since the 2017 EIR the Nugget headquarters complex on Mace Blvd. was approved and is now being built. Additionally the Marriot Residence Inn hotel is near completion on the corner of Fermi and Mace Blvd. The hotel was literally built on burrowing owl habitat. These two large projects have further degraded what little is left of burrowing owl habitat in Davis. This must be taken under consideration for changed circumstances in the Supplemental EIR.

My last concern is the railroad crossing on Rd. 32A. The decision to keep the crossing open, or have it removed, has not been decided. There should be a plan in place before this project is approved to build another road to replace Rd. 32A if the railroad crossing is closed. If this is not done there will be a dead end road and bottleneck of traffic.

Thank you for your consideration,

Gayna Lamb-Bang
4350 Cowell Blvd.
Davis, CA 95618

-----Original Message-----

From: Billie Martin <drbilliemartin@yahoo.com>

Sent: Monday, December 9, 2019 4:59 PM

To: Sherri Metzker <SMetzker@cityofdavis.org>

Cc: Ashley Feeney <AFeeney@cityofdavis.org>

Subject: Aggie Research Campus project Scooping Meeting December 2, 2019 : Changes since Sept. 17, 2017 EIR

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

Comments: to;

City of Davis

Planning Department

23 Russell Blvd.

Davis, Ca. 95616

The Aggie Research Campus Project will add toxic exposure and pollution to the adjacent farmland and wildlife. in excess to

what would have been present after Sept.19 ,2017 if the Mace Ranch project had been built because the ambient toxins in the

area have increased. I have own and farm 160 acres of organic farmland at the North East corner of Road 105 and Road 30.

(44794 County Road 30 and 44560 county Road 30B, Davis, Calif. 956180 Since Sept 2017 the approximately

200 acres of conventionally farmed almonds to the North and East of the proposed Aggie Research Campus .

have grown to be adult, producing trees. Because these trees are conventionally farmed, they have added fertilizes,

and pesticides to the runoff that ends up in our area, and on my farm that were not present in 2017. The Aggie Research Campus will

add much more pollution than is present now, therefore project developers should be required to mitigate the damage their additional

pollution will cause to the nearby farms and and wildlife.

Billie Martin, DVM

44794 County Road 30,

Davis, Calif. 95618

drbilliemartin@yahoo.com

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT

To: City of Davis, Community Development and sustainability Department

drbilliemartin@.../Sent



Billie Martin <drbilliemartin@yahoo.com>

Dec 9 at 3:05 PM

Dec. 9, 2019

Circumstances the have changed since Sept, 19, 2017: Traffic

Traffic has increased significantly and will increase more due to the new office buildings and the Hotel to the north of I 80 and west of the "Mace Curve" (Mace/ Covell Blvd.).

In addition, the anticipated closure of Road 32 A by the Railroad will bring even more traffic

The representatives of the proposed Aggie Research Campus project estimated the when built, the project will bring 10,000-12,000 car visits per day!!

A new traffic study should be done to realistically represent to the voters of Davis what the traffic will be like if the the Aggie Research Campus project is built. It would not be fair to create such a negative impact on the quality of life for the people of Davis without advance warning.!!

Dr. Billie Martin

44794 County Road 30

Davis Calif 95618

drbilliemartin@yahoo.com

Submit to

City of Davis
Planning Department
23 Russell Blvd.
Davis, CA 95616

Comments for scoping of the SEIR for the Aggie Research Campus (ARC)
Roberta L. Millstein, Davis citizen
December 6, 2019

The following questions need to be addressed by the Supplemental EIR for the “Aggie Research Campus” (please note that wherever I say “impacts” I mean “environmental impacts”):

Use of land at the site:

What will happen if the expected demand for office/R&D *or* manufacturing *or* onsite hotel does not materialize? Will the developer come back to the City and ask to build housing instead on these parts of the site? What would the impacts of an “all housing” project be, or various possible combinations of increased housing with decreased use in one or more of the other three categories? These scenarios need to be described and analyzed.

What if it turns out that the amount of parking planned is not sufficient to attract office/R&D or manufacturing or housing uses? Will the developer come back to the City and ask for more parking spaces? What would the impacts of, say, double the number of parking spaces be? Is the amount of parking specified in the Project Description actually consistent with the projected amount of car traffic to/from the site?

Single-family homes were not part of the Mixed-Use MRIC proposal, so this is a project change whose impacts need to be analyzed. It’s not clear why single-family homes are part of the ARC proposal at all. Are they an efficient use of limited space? What would the impacts be without any single-family homes? Conversely, what if the developer asks the City for more single-family homes – what would the impacts be?

Here it must be noted that Ramco Enterprises has a history of saying that it will do one thing and then later doing another, documented on the City’s own website: <https://www.cityofdavis.org/about-davis/history-symbols/davis-history-books/growing-pains-chapter-6> . So these questions about the developer coming back for changes that could have environmental impacts are realistic questions, not just speculative, especially since housing has now been moved to phase 1 of the project (whereas it was in phase 2 for the MRIC Mixed-Use Alternative).

Agricultural buffer, parks and greenways:

Essential background to be taken into account for all items in this section: The MRIC DEIR states, “The California Department of Conservation has defined the Mixed-Use Site as Prime Farmland (approximately 159 acres or 76.1 percent of the site), Farmland of Statewide Importance, (approximately 39 acres or 18.7 percent of the site), and Potential Local Farmland (approximately 11 acres or 5.3 percent of the site).” The land is currently being farmed, but it is also potential habitat for species such as the burrowing owl and the Swainson’s hawk (the former a California “species of special concern” and the latter a California “threatened” species), as noted in the MRIC DEIR.

Documents submitted to the City and posted on its website on the evening of November 27, 2019 (the night before Thanksgiving and four nights before the December 2 scoping meeting) state that when comparing the MRIC Mixed-Use Alternative to the ARC proposal, the “agricultural buffer” (subject to Davis Municipal Code 40A.01.050) has been increased from 20.1 acres to 22.6 acres while “parks and greenways” have been reduced from 18.6 acres to 15.1 acres. This implies that the MRIC Mixed-Use Alternative had a combined parks/greenways and open space of $20.1 + 18.6 = 38.7$ acres. However, on p. 8-11 of the Mixed-Used MRIC DEIR, a table shows a total of **75.8 acres**.¹ So, if the ARC proposal has a combined parks/greenways and open space total of $22.6 + 15.1$ acres = **37.7 acres** (including the easement on the Mace 25),² *then the amount of combined parks/greenways and open space in the ARC proposal is less than half of what it was in the Mixed-Use MRIC proposal. This is a substantial change in project that the Supplemental EIR must analyze.* What are the impacts of the loss of the combined parks/greenways and open space, on environmental factors including but not limited to the urban heat island effect, drainage and infiltration to the underlying aquifer, and habitat for species, including the species noted above but also other species (including insect species) as well? Does the current ARC proposal satisfy the City’s standards for parks, greenways, open space, and agricultural buffers, given that the 75.8 acres of the Mixed-Use MRIC was deemed to be insufficient (see 8 - 134 of the DEIR), and the ARC proposal has less than half of that?

The ARC project proposes to use 6.8-acres³ of the City parcel just to the northwest of the project, often called the “Mace 25,” to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. This proposal calls for the City to provide a buffer (part of the Mace 25) for its own land (the remainder of the Mace 25). However, it is not clear that this use satisfies the spirit or the letter of the municipal code, which states “all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required *to provide* an agricultural buffer/agricultural transition area” [my emphasis], and “the land shall be dedicated to the city,” implying that the land for the buffer is not already owned by the City. With this use, instead of the *developer* providing *all* of the land for the required agricultural buffer, as the Code seems to imply, the *City* is providing 6.8 acres of land (a portion of Mace 25) that was purchased with funds from Davis’s open space tax. In effect, this represents a reduction of 6.8 acres of open space within the City, since Mace 25 should already be open space anyway, and since the developer is not adding the full amount of the agricultural buffer to the total amount of open space in the City. What is the impact of this loss, especially considering the adjacent burrowing owls? Is this use even in compliance with the ordinance? This needs to be determined. What would the impact of the project be if the developer provided that 6.8 acres instead of the City providing it?

¹ In some places in the DEIR, the figure of 64.6 acres appears, but this appears to be a copy-paste error from the chapter for the MRIC project proposal that lacked housing. The Mixed-Use MRIC project required greater acreage of parks because of the onsite housing triggers Davis’s standards for resident/parks ratios.

² Note that the Project Description says 49.1 acres. Either way, the basic points I make in this paragraph still hold. The total amount has been substantially reduced.

³ Note that the Project Description says 9 acres. The 6.8 acre figure appears in the documents uploaded on November 27, 2019.

I understand from the presentation to the Open Space and Habitat Commission that the developer will allow tenants to determine the size of buildings and the amount of pavement, asphalt, etc., within the scope of the described project. Is this accurate? If it is accurate, what are the impacts of the worst-case scenario, where all the parts of the project not marked as agricultural buffer or parks/greenways consist of buildings, asphalt, or concrete (or similar materials), including but not limited to the urban heat island effect, drainage, and habitat for species? What are the impacts of lesser scenarios that still contain a substantial amount of buildings, concrete, and asphalt (or similar materials)?

What would the environmental impacts be if the project were to adopt the recommendations made by the Open Space and Habitat Commission at its meeting of November 4, 2019? These recommendations are:

“The Open Space and Habitat Commission recommends that, if the City Council approves the Aggie Research Campus project, the following project features should be included in the project’s “Baseline Project Features” and/or Development Agreement:

1. *The agricultural mitigation land should be located within the Davis Planning Area;*
2. *The east side of the east-west channel should be natural like the rest of the channel;*
3. *Native plants should predominate the channel and agricultural buffer;*
4. *Burrowing owl habitat should be on the northwest segment of the agricultural buffer, pending confirmation from the City’s wildlife biologist;*
5. *The agricultural buffer and east-west channel should be managed for habitat;*
6. *The east-west channel must have a public access easement;*
7. *Trees and pollinator habitat should be disbursed throughout the site, including in parking areas; and*
8. *If the agricultural buffer remains on the “Mace 25” site, the agricultural buffer should be wider.”*

Traffic/transportation:

The project description touts alternative forms of transportation to cars, yet it says that one of the “project objectives” is to “Utilize a site with existing access to I-80 for the convenience and benefit of employees, collaborators, suppliers, and goods movement.” And the promises of alternative forms of transportation are vague, with some of these, like Uber and Lyft, are still cars even if they don’t utilize parking spaces. How can the impact of vague promises of alternative forms of transportation be measured, and how likely is it that they will be any more than a drop in the bucket when a *project objective* is to provide easy access to I-80?

What are *realistic* assumptions for future *growth* in traffic in the area, due to traffic apps like Waze (with Fehr and Peer already documenting that people are driving past the site to avoid I-80 traffic), and the imminent completed construction of the adjacent Nugget Market headquarters (Alhambra/Mace headquarters) and Marriott Residence Inn, with the Hyatt House, Creekside Apartments, and new apartments on Chiles Road slightly further away. (See <https://www.cityofdavis.org/home/showdocument?id=10493> for a map of new projects that

should be taken into account). This area is already experiencing significant traffic backups, but probable growth must also be taken into account.

How will traffic on 32A be affected, and how will that in turn affect cyclists, farm machinery, refuse trucks, and the railroad crossing? How will it affect the drainage at 32 A and Chiles north of the railroad? How can all of this be determined when the fate of 32A is in limbo while under discussion? (See <https://www.davisenterprise.com/local-news/consultant-to-look-at-options-for-relocating-road-32a-railroad-crossing/>).

How will *realistic* use of on-site housing by employees, commuting to the site, and parking needs at the site be determined? To give a personal example, as a professor at UC Davis I know that many of my colleagues, especially younger colleagues or colleagues without children, *choose* to live in Sacramento because they prefer a more urban environment. Instead, they drive to Davis to work. Similarly, those who work at ARC may not choose to live there, or may not be able to afford to live there (e.g., clerical staff, janitorial staff) and so may be driving in. Conversely, we already know that many people choose to commute from the Sacramento area to the Bay Area (see, e.g., <https://www.sacbee.com/news/local/article190050994.html>). We have to expect that this freeway-adjacent location will be attractive to commuters, since housing prices in this area are less than in the Bay Area. Finally, even if some ARC workers do live onsite, how do we take into account partners and adult children who may need to drive to jobs offsite? How do we take into account parents who drive their children to school, something that is on the increase in Davis? (e.g., Davis High School is not nearby). In short, it's not realistic to assume that most people living onsite will be working onsite and vice versa, and other regular driving is likely to be involved, so more realistic numbers need to be developed based on available information to account for the amount of driving that housing will generate.

Area impacts:

How will the environmental analysis take into account all of the changes – *in aggregate* – since 2015 when the MRIC EIR was first drafted, including an increase in students, faculty, and staff on the UC Davis campus as well as the approval of various housing and hotel projects throughout the City, some of which are not yet online? This is essential for a thorough environmental analysis, not just of increased traffic, but also on our limited water supply and the increased production of waste. (See <https://www.cityofdavis.org/home/showdocument?id=10493> for a map of new projects that should be taken into account as well as <http://www.cityofwoodland.org/1021/Development-Projects> for Woodland projects on or near CR 102 that will impact Davis).

Will the proposed project make it more difficult for farmers to the east of the project (“Leland Ranch”) to farm effectively and efficiently? Will they be able to access their land and be able to efficiently transport seasonally-required equipment to and from their property?

Climate change impacts/interactions:

In the few years since the DEIR was done, scientists have gained a greater understanding of the severity of climate change impacts and the extent to which they are manifesting now. To quote

an IPCC report: “Climate change can exacerbate land degradation processes (*high confidence*) including through **increases in rainfall intensity, flooding**, drought frequency and severity, heat stress, dry spells, wind, sea-level rise and wave action, and permafrost thaw with outcomes being modulated by land management... Climate change has already **affected food security** due to warming, changing precipitation patterns, and greater frequency of some extreme events (*high confidence*).” <https://www.ipcc.ch/srccl/chapter/summary-for-policymakers/> [my bolding]. This is true not only globally, but for California as well. A recent UCLA study “found that over the next 40 years, the state will be 300 to 400 percent more likely to have a prolonged storm sequence as severe as the one that caused a now-legendary California flood more than 150 years ago.” <http://newsroom.ucla.edu/releases/california-extreme-climate-future-ucla-study>

With respect to flooding, “the City [of Davis] does have concerns about potential adverse effects to its facilities and infrastructure resulting from a high water event which causes flooding in the Yolo Bypass. Specifically, the City is concerned about effects to its existing wastewater treatment facility [north of the proposed project] as well as its planned municipal water intake and conveyance system. Besides being subject to flooding by a failure of the Willow Slough Bypass left levee, the wastewater treatment facility and the Yolo County landfill are subject to flooding from breaches in the CCSB west and south levees, the abandoned south levee of the pre-1992 CCSB, and the Yolo Bypass west levee.”

<https://www.yolocounty.org/home/showdocument?id=28753>

In light of new facts that climate change will lead to increased flooding, together with pre-existing worries about flooding in the area of proposed project, will the ARC project, with its limited drainage, exacerbate the flooding situation? Drainage has been proposed for the site, but is it up to handling a massive flood like those that are predicted? Will the presence of a business park on the site allow for a fast recovery from a flood? What are the other potential impacts of ARC in light of increased flooding?

In light of the new facts that climate change will reduce usable farmland, what are the impacts of the loss of farmland regionally, for California, and beyond? The impact of the loss of prime farmland was considered in the MRIC EIR, but what is the significance of that loss in light of the *increasingly precious and rare* farmland – exacerbated by the loss of farmland to development nationwide. <https://www.ecowatch.com/farm-land-lost-to-development-2622961538.html>

In light of new facts that agriculture can help reduce climate change through carbon sequestration (<https://ww3.arb.ca.gov/cc/natandworkinglands/draft-nwl-ip-1.7.19.pdf>) what is the loss of that potential sequestration, especially given the carbon-producing traffic impacts that an ARC project would add?

It might be thought that the climate change impacts described in this section are “speculative,” but, as they are backed up with scientific studies, they are certainly much less speculative than the assumptions that the Mace EIR and ARC Project Description makes about the future of transportation patterns or claims about how many people will be commuting into and out of the ARC project. Thus, if the latter claims are to be part of the analysis, then certainly the former claims must be as well, but the former claims are sufficiently substantiated to be considered regardless.

-----Original Message-----

From: Pam Nieberg <pnieberg@dcn.davis.ca.us>

Sent: Monday, December 9, 2019 4:16 PM

To: Sherri Metzker <SMetzker@cityofdavis.org>; Ashley Feeney <AFeeney@cityofdavis.org>

Subject: comments on ARC

Hello:

I was just alerted that the latest proposal for the business park/housing development proposed for the MRIC/ARC project includes wind turbines.

The impact of wind turbines in this location would be disastrous for numerous species of avian and bat wildlife. Wind turbines are notorious killers of millions of birds and bats every year. This project is virtually next to the the Yolo bypass wildlife area and on the Pacific Flyway. It is also immediately adjacent to a burrowing owl colony that has existed in that area for decades and has been the subject of much debate since the MRIC project was proposed.

The presence of wind turbines is certain death to the burrowing owls and hundreds of bat and avian species that utilize this area. The proposal for wind turbines must be evaluated in the EIR and should not be permitted in this project.

This is rushed to make the 5 p.m. deadline and due to other commitments I had for this afternoon. I will send much more extensive comments during this process.

Pam Nieberg
530-756-6856
pnieberg@dcn.davis.ca.us

(Revision #2) Comments for ARC Scoping Process

Submitted by Ron Oertel

I understand that the city of Davis has determined that a “supplemental” EIR is sufficient to address the significant changes in (both) the ARC proposal itself, as well as changed conditions in the surrounding environment. In fact, the changes have not even been adequately defined in the first place. (The city also certified the initial EIR, without having a defined proposal.)

The justification for the city’s decision regarding the choice to allow a supplemental EIR has not been addressed. Nor has a justification been provided for the shortened timeframe, to allow comments.

Within the limited scope of the supplemental EIR, changes in traffic patterns should be thoroughly examined. This would include all new and planned developments within the immediate vicinity (including but not limited to the new Residence Inn, and Nugget headquarters). However, other developments within (and outside) the city will also have an impact on the same streets and freeway access points that are near the proposed site of ARC. This would include all of the new developments in Davis (including but not limited to Nishi, Sterling, Lincoln40, Davis Live, University Research Park, University Mall, Chiles Road apartments, new student housing on campus, etc.).

In addition, new developments in Woodland (including but not limited to the Spring Lake development, and the planned Woodland research park) will also have an impact. For example, some commuters to ARC would come from Woodland. In addition, some commuters to the Woodland research park site would likely use the Mace exit (from westbound I-80), passing right by the ARC site, to Covell and Road 102.) And, would likely use this same path on their return trip toward Sacramento – especially when I-80 is backed-up. (Or, would at least use some of the same freeway access points as ARC commuters.)

The impact and unpredictability of cell-phone applications (such as “WAZE”) which are redirecting traffic off of a congested I-80 must be thoroughly examined. Some of the routes suggested by these applications encourage I-80 commuters to pass right by the ARC site, and/or use the same freeway access points as ARC commuters. For example, cell-phone applications are apparently redirecting eastbound traffic from I-80 onto (or across) Road 102 (e.g., from Road 29). This traffic would interact with increased commuter traffic from ARC (to/from Woodland) – possibly creating a need for new signalization at the intersections of Road 102/Road 29 (and/or Road 28H). Traffic on Road 102 is also expected to increase as a result of new development in Woodland - as discussed above.

The impact of cell-phone applications which divert traffic should be examined during various times, days of the weeks, and even seasons – to ensure completeness and accuracy. One of the most impacted times is likely to occur on Friday afternoons.

Impacts on streets and freeway access points on (both) the north side of I-80, as well as the south side must be examined. This would include all freeway access points within the vicinity, including those shared by those negotiating what has commonly been referred to as the “Mace Mess” traffic-calming project that the city recently constructed. (It’s likely that ARC commuters would share the freeway access point that’s located near the causeway – which is also used by those negotiating the “Mace Mess”.) As one freeway access point is impacted, drivers will likely use others, instead – either on their

(Revision #2) Comments for ARC Scoping Process

Submitted by Ron Oertel

own accord, or via “suggestion” from cell-phone applications. The same is true via ever-changing routes suggested by cell-phone applications.

The impact of increased traffic on I-80 (now, and in the future) should also be examined. Including traffic generated by regional growth, as well as the traffic contribution of ARC, itself. This would also further impact local freeway access points and streets.

ARC would create both inbound and outbound commuters, since there is no way to determine if the planned occupants would actually work at the site. Any estimates regarding the percentage or number of residents who are expected to actually work at the site should be thoroughly examined and supported. Already, Davis has an excess of inbound commuters passing through town, due to employment opportunities at UCD.

Regarding parking, the EIR should address whether or not the planned parking spaces will be sufficient to support the development, and whether or not drivers would end up parking outside the development (e.g., in Mace Ranch). This might be even more of a concern if a pedestrian/bicycle connection is provided over Mace Boulevard, thereby providing a convenient path for commuters (or residents of ARC) to park their cars outside of the development.

The EIR should also determine potential impacts if students (or others connected to UCD) comprise a significant portion of the residents or workers at ARC, as they would likely commute through town – further impacting local traffic.

Also, since ARC doesn't even fully address the new housing need it would create, the EIR should examine the likely impact this would ultimately have on roads and the city itself. The result would be an increase in commuters, as well as increased pressure to develop even more peripheral lands and dense infill within the city – with all of the resulting traffic.

From: Catherine Portman <cportman@gmail.com>

Sent: Thursday, November 21, 2019 2:12 PM

To: Sherri Metzker <SMetzker@cityofdavis.org>

Subject: Aggie Research Campus

Hi Sherri

We talked on the phone a couple weeks ago about the city-owned 25 acres on CR 104 and its relationship to the Aggie Research Campus project. Do I recall correctly that you said the City is not selling the 25 acres to the developer and that the 25 acres would be incorporated into the required ag buffer?

The drawing on the City's website does not show 25 acres of ag buffer around ARC, but only 150 feet.

Is the developer providing the land that would be the 150 ft ag buffer?

Is the City selling 150 ft ag buffer from the 25 acres to the developer?

--

Catherine Portman
Burrowing Owl Preservation Society
14841 CR 91 B
Woodland, CA 95695
burrowingowls.org

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT

From : ROBERT ROBERT <rcprindle@sbcglobal.net>

Sent: Monday, December 9, 2019, 03:46:04 PM PST

Subject: Re: To: City of Davis, Community Development and sustainability Department

On Monday, December 9, 2019, 3:05:59 PM PST,

Dec. 9.2019

Circumstances the have changed since Sept,19,2017: Traffic

Traffic has increased significantly and will increase more due to the new office buildings and the Hotel to the north of I 80 and west of the "Mace Curve" (Mace/ Covell Blvd.).

In addition, the anticipated closure of Road 32 A by the Railroad will bring even more traffic

The representatives of the proposed Aggie Research Campus project estimated the when built, the project will bring 10,000-12,000 car visits per day!!

A new traffic study should be done to realistically represent to the voters of Davis what the traffic will be like if the the Aggie Research Campus project is built. It would not be fair to create such a negative impact on the quality of life for the people of Davis without advance warning.!!

Robert Prindle

44794 County Road 30

Davis Calif 95618

Submit to

City of Davis
Planning Department
23 Russell Blvd.
Davis, CA 95616

From: Alan Pryor <ozone21@att.net>
Sent: Saturday, December 7, 2019 3:55 PM
To: Sherri Metzker <SMetzker@cityofdavis.org>
Subject: Comments on EIR Scoping

Ms. Metzker - Please consider the following Sustainability Recommendations for the ARC project to be submitted as comments to the scoping outreach. It is requested these Sustainability Recommendations be considered as "alternatives" when preparing the ARC Supplemental EIR

Thank you

Alan Pryor

**Aggie Research Center (ARC) Working Group
Recommended Project Sustainability Features
Submitted as Scoping Comments for the Supplemental EIR - December 7,
2019**

Note: The Aggie Research Center Working Group is an ad hoc committee of interested Davis environmentalists with experience in evaluating land use and planning issues in Davis. The Group has collaboratively developed this set of recommended sustainability features for the project and submitted them to the developer in November, 2019. With his knowledge, these recommendations are now formally submitted as scoping comments to the supplemental EIR

for the purposes of evaluating desirable sustainability alternatives for the project.

I. SUSTAINABILITY PLAN

Functional Goal: Develop and implement a comprehensive Sustainability Plan and ensure sustainability commitments made in the Plan are embodied in the subsequent Development Agreement and implemented and maintained for life of project.

1. Mandatory, measurable and enforceable.
2. Equivalent in scope and detail to Nishi.

II. TRAFFIC REDUCTION/MITIGATION

Functional Goal: Provide incentive to shift modes to Bicycling, Public Transit, or 4+ car pool to reduce vehicle miles traveled (VMT), project total carbon footprint, and adverse level of service (LOS) traffic impacts on Mace Blvd Covell Blvd and I-80.

- 1) Install traffic counters to measure in and out traffic to development.
- 2) Tie phases in project build out to construction of improvements in transit and road improvements.

Phase 1 – i) Implement bus rapid (BRT) transit strategies on Mace/Covell for freeway access. Fund study and implementation of bus signal preemption system, ii) Investigate installation of rush-hour bus and HOV lane on the frontage road north of 80 to bypass on-ramp/off-ramp, iii) Implement on-demand electric transit to UCD and scheduled electric transit to Amtrak.

Phase 2 – Installation of bus/4+ HOV lanes on I-80 east and west of causeway.

Phase 3 – Causeway expansion by bus/4+ HOV lane east and west.

- 3) Transit stops located throughout complex to ease pedestrian access.
- 4) Implement a Transportation Demand Management Plan with measurable results to quantitatively shift away from Single Occupancy Vehicle (SOV) use.

III. HOUSING

Functional Goal: a) Provide workforce housing to address increased housing demand due to job creation, and b) Reduce VMT and adverse rush hour LOS traffic impacts.

1. All housing is high-density workforce housing / No single-family standalone homes.
2. Require employer master leasing or ownership of housing units and require employment for residency. Suggest look at Stanford University land ownership model,

company town models, Google and Facebook ownership/master leasing of apartments in Bay Area.

3. Phase housing construction to project's commercial build out.

IV. ENERGY EFFICIENCY AND USAGE

Functional Goal: Reduce energy use to minimize project net carbon footprint.

1. All electric building construction, gas allowed only for manufacturing processes
2. Zero net energy for building envelope and space conditioning and lighting with onsite PV and storage.
3. All structures designed for microgrid implementation with required conduits and wiring.

V. WATER CONSERVATION AND LANDSCAPING

Functional Goal: Reduce demand on groundwater and potable water.

1. All gray water reused onsite.
2. All landscaping adapted for climate change, drought resistant, pollinator friendly, and maintained organically.
3. All onsite storm water retained onsite using bioswales and other methods (not applicable to offsite storm flow onto the property).

VI. PARKING AND STREETS

Functional Goals: Encourage use of public transit, electric vehicles, and bicycling Provide convenient electric charging station to encourage electric vehicle use. Reduce run-off and heat island effect of parking lot. Reduce visual, aesthetic, and quality of life impacts of working/living near parking lot.

1. Transit access given priorities over auto parking.
2. Only high occupancy vehicle (HOV) and electric vehicle (EV) parking allowed adjacent to buildings with EV charging stations pre-installed (exceptions for handicap parking).
3. All more remote parking for single occupancy vehicles (SOV) is prewired to later install charging stations. Have plan to phase-in installation of more EV charging stations as EV charging demand grows.
4. All housing has one Level 2 EV charger and prewired for 2nd charger per unit

5. Paid parking for non-electric SOV for commercial parking. No discounts for monthly parking vs daily parking to encourage occasional bus use.
6. Enforceable landscape and PV shading plan to provide 80% shading of walkways and Class I bike paths and 50% parking lot shading in 15 years or imposition of penalties.
7. All parking surfaces utilizing tree shading use structured soil or suspended substrate to allow successful tree root development. Size pavement treatment area to match trees' intended ultimate tree size.
8. All streets and parking utilize permeable pavement.

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From: Cathy Rasmusson <vtrents1@gmail.com>

Sent: Sunday, November 24, 2019 5:28 PM

To: Sherri Metzker <SMetzker@cityofdavis.org>

Subject: Environmental Impact

I received notice of scoping meeting in regards to "Aggie Research Campus Project". What research is being conducted? Are animals, water, or chemicals being used in the research projects?

Cathy Rasmusson

5063 Veranda Terrace

Davis, CA 95618

MEMO

TO: Sherri Metzker, Principal Planner
COPY: Ash Feeney, Assistant City Manager
FROM: Greg Rowe, Planning Commissioner
DATE: December 8, 2019
SUBJECT: Second SEIR Scoping Comments Memo - Aggie Research Campus (ARC) Project

Acronyms Used in this Memo:

ARC = Aggie Research Campus	LRDP = Long Range Development Plan	PD = Project Description
EPS = Economic & Planning Systems, Inc	LUP = Land Use Plan	R&D = Research and Development
F&P = Fehr & Peers (traffic engineers)	MRIC = Mace Ranch Innovation Center	SF = Square Feet
KDA = KD Anderson & Associates	NOP = Notice of Preparation	T&W = Taylor & Wiley

This comment memo is a follow-up to my comment memo dated 11-26-2019. It has been prompted by the Taylor & Wiley (T&W) letter dated 11-27-2019, in which it is stated that the ARC retains the basic land uses that were analyzed in the Mixed-Use Alternative chapter of the MRIC EIR certified by the City Council on 9-19-2017 through adoption of Resolution 17-125. The T&W letter goes on to say (page 2, paragraph 2): Because the Project is substantially similar in both nature and design to the MRIC Mixed-Use Alternative, we believe that the potential environmental impacts of ARC fall squarely within the envelope of impacts analyzed in the MRIC EIR, particularly those in Chapter 8 on the Mixed-Use Alternative...we are asking the City to rely on the certified MRIC EIR as the basis of the CEQA analysis for ARC.”

Certification of the MRIC EIR was item 07 on the City Council agenda of 9-19-2017. The resolution certifying the EIR was on pages 5 – 8 of the staff report, and was approved as Resolution 17-125. As unanimously recommended by the Planning Commission on 7-19-2017, the Whereas on the top of page 7 of City Council Resolution 17-125 states the following:

WHEREAS, on May 24 and July 19, 2017 the Planning Commission held two duly noticed public meetings to consider certification of the FEIR pursuant to Section 15090 of the State CEQA Guidelines, separate from any deliberation or action on the merits of the project, and voted to recommend certification to the City Council including a clarification on page 7-202 of the Draft EIR that the Mixed Use Alternatives is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units;

It therefore seems on this basis that the equal weight Mixed-Use Alternative that will form the basis of the SEIR analysis must explicitly assume that the conditions of this Whereas are taken into account; i.e., the Mixed Use Alternative must assume that at least one employee of an ARC employer shall reside in 60 percent of the 850 housing units. This would mean that at least 510 of the 850 housing units must be occupied by at least one person working within the boundaries of the ARC in order for a valid analysis to be performed of the potential environmental impacts, including but not limited to air quality, greenhouse gas emissions, transportation and vehicle miles traveled (VMT).

This is an important consideration, as pointed out in an attachment to the staff report to the City Council meeting of 9-19-2017 (Attachment A – Mixed Use Alternative and Employee Housing), pages 29 – 32 of agenda item 07. As stated in the third paragraph on page 07-30,

As stated above, the analysis shows that the Mixed-Use Alternative continues to provide traffic, VMT and GHG reduction benefits as long as 60 percent of the units are occupied by one employee of the center. Said a different way, the Mixed-Use Alternative is environmentally superior to the project as long as at least approximately 23 percent of the estimated number of residents living in the MRIC housing also work at the site.

Below is another important excerpt regarding the environmentally superior alternative, from page 07-31 of Attachment A (third paragraph), which should be addressed in the SEIR analysis.

“...as compared to the project, this alternative will achieve reductions in daily VMT and GHG emissions, lower AM and PM peak hour vehicle trips, fewer impacts at Mace Boulevard, and elimination of impacts related to population and housing (see Table 7-7), assuming the execution of a legally enforceable mechanism to ensure that at least 60 percent of the on-site units would be occupied by at least one MRIC employee. This minimum occupation estimate is based on sensitivity testing performed by Fehr & Peers.”

In contrast to the provisions of Resolution 17-125, however, the ARC Project Description that currently appears on the City website does not reference the 60 percent criteria stipulated in the resolution and discussed in Attachment A. The Phasing section of page 13 of the PD merely states that “Housing will be permitted on the ARC site at a ratio of one unit for every 2,000 square feet of nonresidential development” so as to maximize the likelihood that employees at the ARC will occupy the units, thereby maximizing the environmental benefits of including housing at the ARC. But, in what is seemingly a hedging effort, this section of the PD concludes by stating “However, the housing at ARC will not be restricted to employees only but will, consistent with Fair Housing requirements, be available to the community at large.” This statement seems to be at odds with the 60 percent on-site residency requirement in Resolution 17-125.

The preceding information leads to some pertinent questions that need to be addressed in the SEIR and through other mechanisms, including:

1. What if “the community at large” occupies so much of the available housing units that it is not possible for 60 percent of the units to be occupied by at least one person who works for an ARC employer? In other words, what if becomes impossible for at least 510 of the 850 units to be occupied by at least one employee of an employer located at the ARC?
2. Given the residential construction phasing provisions outlined in the PD and in the T&W letter, how will the 60 percent goal be monitored and achieved? Would it be a requirement that each phase of housing must meet the 60 percent requirement, or would this requirement only go into effect after the last of the 850 units has been constructed and certified for occupancy?
3. What legally enforceable mechanisms have been identified for meeting the 60 percent employee occupancy requirement that is one of the provisions of Resolution 17-125? Will the SEIR identify the available mechanism(s) or will that information be produced through an analysis and document separate from the SEIR?

Comments and Concerns regarding ARC/MRIC Supplemental EIR Scoping

1) A new EIR is needed for the ARC project, not merely a “supplemental” EIR, because the new proposal is substantially different from the MRIC proposal.

A) The ARC project is substantially different from the MRIC project.

a) At the time of the EIR certification the staff stressed that there was only one project under consideration, and that was the 100% business park proposal.

b) The mixed-use alternative, as stated by staff, was done to inform the city’s decision of the project that was originally proposed, and *not* as a project proposal.

c) According to Heidi Tschudin, the MRIC project being EIR certified was the 100% business park proposal as “originally submitted” (Note: see video tape below of this statement by Ms. Tschudin at the Sept. 19, 2017 City Council MRIC EIR certification hearing at 59:50).

B) The MRIC mixed-use alternative did *not* have a legitimate equal weight analysis.

The mixed-use alternative was not analyzed at an equal weight. Trying to simply claim it is “equal weight” does *not* make it reach the standards required under CEQA.

2) The MRIC EIR for the mixed-use alternative was dependent upon at least 60% of the 850 housing units being occupied by at least one MRIC (now ARC) employee.

In 2017 the Planning Commission made clear that the MRIC EIR had to meet two conditions (see below language, including screen shot) for the MRIC EIR to be approved for certification and in order to assume that the mixed-use alternative would be “the Environmentally Superior Alternative” and its analysis to be acceptable. This was covered by City Staff at the Sept. 19, 2017 City Council meeting. The screen shot of the Planning Commission’s position reads:

Clarification Regarding Environmentally Superior Alternative

- Planning Commission recommended clarification to page 7-202 of Draft EIR

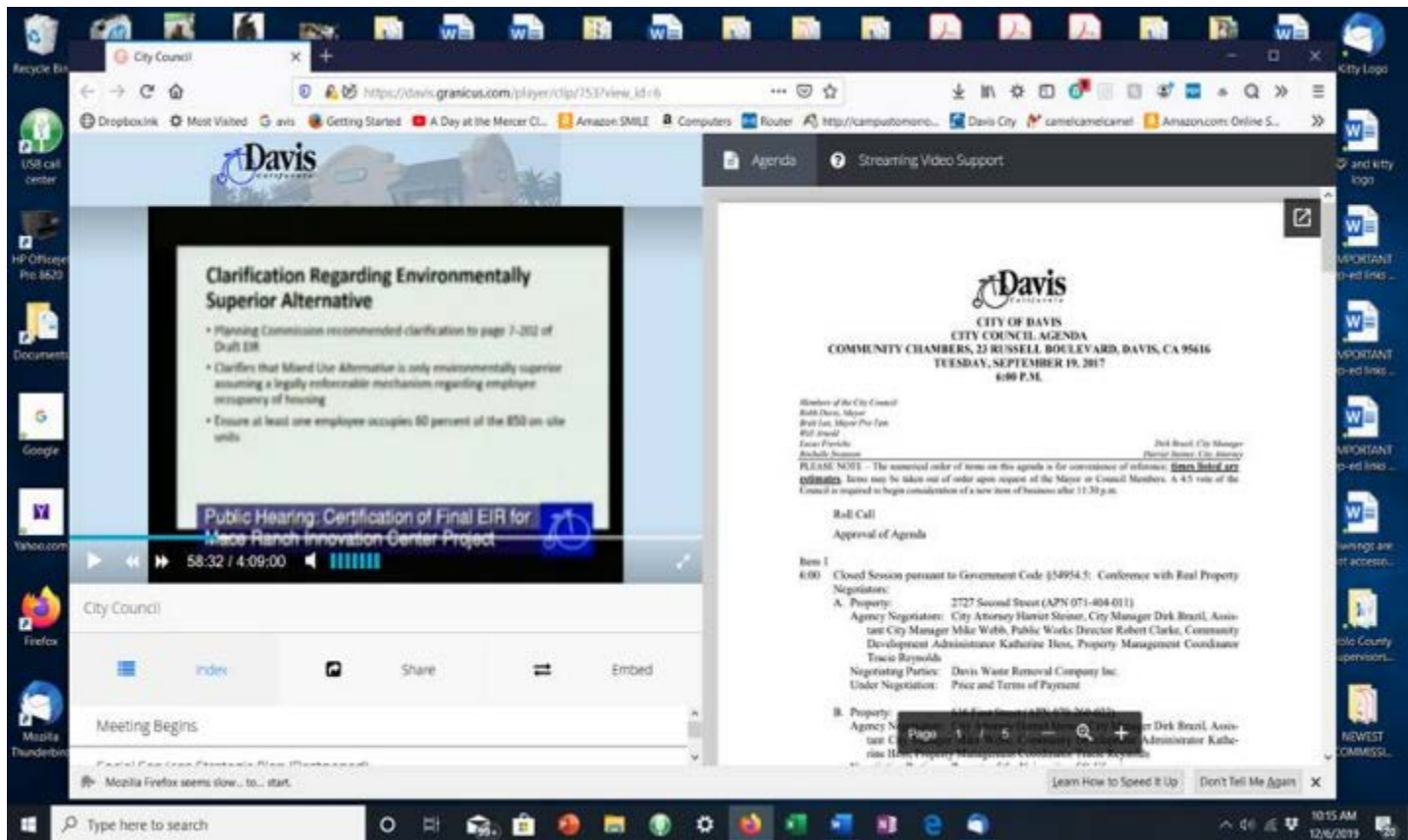
- Clarifies that Mixed-Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing

- Ensure that at least one employee occupies 60% of the 850 on-site units

The weblink for the video for this Sept. 19, 2017 City Council meeting with this MRIC EIR item starting at 50:45 is at: https://davis.granicus.com/player/clip/753?view_id=6

is at: https://davis.granicus.com/player/clip/753?view_id=6

This Planning Commission summary slide is presented at the 58:40 time interval:



Since there is no enforceable mechanism offered by the developers to ensure that 60% of the 850 housing units, the mixed-use analysis from the earlier (pre-maturely) certified MRIC EIR is invalid. Therefore, a new EIR is required for the vastly different ARC project, not simply a supplemental EIR added to an invalid MRIC mixed-use EIR. This housing occupancy clearly would significantly increase the impacts of the project in many ways including traffic, circulation parking needs, etc.

In fact, *contrary to this condition*, the developers have stated that they are not placing any restrictions on the housing. Note on page 13 of the ARC Project Description that it states that “the ARC housing will not be restricted to employees only”. Now while the term "only" is included, at the same time *there is no explanation of how the 60% employee occupancy is to be achieved*, which is a condition for the EIR to be valid.

<https://www.cityofdavis.org/home/showdocument?id=14159>

"The housing is planned to include a variety of mixed-use, rental, and for-sale residential options catering to the needs and demands of innovation center employees. However, the housing at ARC will not be restricted to employees only but will, consistent with Fair Housing Act requirements, be available to the community at large."

Furthermore, there would need to be a stipulation that UCD students cannot be considered ARC “employees” in any capacity (volunteer, intern, extern, or paid position) to count toward the requirement for the minimum of 60% of the housing units being ARC workforce “employees”. Otherwise, the ARC housing becomes completely susceptible to having a significant number of UCD students being housed, which would increase traffic and circulation impacts due to students needing to also commute to and from UCD frequently. The MRIC EIR is dependent upon 60% of its housing units being occupied by at least one employee living and working on-site (i.e. *not* also needing to commute to and from UCD frequently like the students) to *reduce* traffic and circulation impacts for its certification to be “valid”.

3) A new cumulative impacts analysis must be done that includes all recently approved housing projects as well as all projects that have been submitted.

Is the proposal to just do a supplemental EIR an effort to try to avoid this analysis? There are a number of additional large residential and commercial projects in the City that have been approved since the MRIC EIR was certified. Traffic and circulation have changed with significant increases due to new issues like commuters use of the WAZE app diverting traffic off I-80 to other peripheral routes including onto Mace Blvd. for drivers to avoid I-80 back-ups. Plus, now the Mace mess issue on the south side of Mace Blvd. is only compounding the situation. The cumulative impacts study must be done first as well as the fiscal analysis. The cumulative impacts to be included, but not limited to are impacts on traffic, circulation, water, waste water treatment, flood control, and City services particularly fire and police.)

4) The circulation plan must (a) acknowledge the need for, and (b) disclose the location of a grade separated crossing of Mace Blvd.

a) There is an unimproved corridor of vacant land that runs from the Del Valle Place cul-de-sac in Lake Alhambra Estates all the way to Mace Blvd (running along the northern property line of the residential development to the south of Harper Junior High and the northern property line of the new Nugget business center).

b) There are more proposed dwelling units in ARC than in the Cannery project. There was a demand made over and over again for *two* grade separate crossings for that project. There should be *at least* one grade separated crossing to the ARC site.

5) This new ARC mixed-use project, as proposed, is a high-density housing project with window-dressing commercial. The original intent of this tech park was to bring revenue to the City. The “bait-and-switch” proposes to shoe-horn in 850 units into this parcel which is much smaller than the original. This just diminishes the revenue that the project would potentially yield since a significant amount of land is being for the housing instead of being focused on commercial. In turn, the housing would bring significantly more costs to the City long-term, in contrast to commercial development which brings typically bring far more revenue than costs.

In the end, the City would gain much less revenue and wind up with more costs to further offset the revenue, as well as significantly more impacts due to this ultra-high-density housing ARC

proposal. The “shoe-horn” design of the project due to the enormous amount of housing it is trying to include is hideous, resembling an “ant farm”, *not* an attractive tech park.

(Note: Let’s not forget that at one time the city was promoting the need for *two* 200-acre tech parks and there were serious discussions that the 400 acres was not enough. So, now, the ARC proposal is on a 187-acre parcel with an enormous amount of housing taking up valuable land which should, instead, be devoted entirely to revenue generating commercial. The entire argument of “housing on site” as a vital component to support the tech park is disingenuous at best particularly since there is *no* mechanism offered to implement that 60% of the housing units having occupancy by at least one ARC employee long-term. In addition, the fact that the Signature proper inside the curve could provide housing directly across the street from the ARC, makes it even more clear that the ultra-high-density housing proposal in the mixed-use project should, instead, be used for commercial development,

Furthermore, remember that former Mayor Davis has already stated in open public hearing that the developers – just prior to suspending their MRIC application – said they needed housing, a CFD, and ag mitigation on city-owned land in order to make the project financially attractive enough for them to proceed. If the proposed innovation center is really this fragile, maybe the city and voters need to rethink the need for the project.

6) The fiscal analysis of the ARC mixed-use proposal with 850 housing units needs to be analyzed *first* before doing any more EIR analysis. Since housing typically brings more and more costs to the City with time (particularly after 10-15 years), it needs to first be determined *if* there is a fiscal benefit to the 850-housing unit ARC mixed use project. And *if* there is a “cost benefit” to the ARC mixed-use project it is important compare just *how much* the net revenue is relative to the significant housing costs that the ARC mixed-use project would bring long-term. Then, of course, the recognition of the significant impacts of such an enormous project also needs to be considered to determine if the project is worth all the impacts to the City and its citizens.

7) The industrial development of the ARC proposal should be contiguous, *not* split into two separate business parks.

a) The current land plan is a housing development with two separate business parks which is an illogical, inefficient and simply very bad design. The commercial component needs to have a logical design of being contiguous, being concentrated in one section in the south end of the project closer to I-80.

b) Splitting the industrial land will hamper the buildout of the northern industrial park, setting the stage for the developer to come back and apply to the City convert the commercial land to yet more housing. The Ramos developer group has a history of “bait -and-switch” and the City has a responsibility to not be gullible enough to be complicit in allowing such poor planning with such vulnerability for a future land use change from the needed revenue generating commercial to housing (i.e. the reality is that high-density housing ultimately brings more costs than revenue in the long run.)

c) Any on-site housing needs to be concentrated entirely on the north end of the project adjacent to the city-owned open space.

8) The ag buffer needs to be reconfigured so that it falls exclusively on the developer's property.

a) It makes *no* sense for the bulk of the city's property to fall inside the ag buffer.

b) The city's property was paid for by open space taxes paid by Davis residents, however, the current proposal looks like there is a hidden plan to urbanize the city property. The city should not be subsidizing this, or any private development, particularly with tax-payer's money.

9) Prior to any consideration of ARC, the city must make a clear policy statement that *no city property* (either 6.8 acres of the 25-acre parcel, or any portion of Howitt Ranch) will be used for ag buffer or the ag mitigation requirements.

10) Any housing at ARC must fully meet the residential parking ordinance.

a) The developers should not be allowed to escape the City's parking ordinance in their effort to avoid the negative political optics of their parking requirements

b) If there is residential development at ARC, a parking structure should be required – similar to Nishi and Sterling, but with ample parking for employee needs. Employees, particularly with children, need to have a car to provide transportation for their own needs, and the needs of their kids (i.e. school, medical appointments, sports and other activities.)

11) There needs to be clarity on the relationship between the proposed ARC project and UCD.

The terms "Aggie" and that it is a "Campus" insinuate a relationship, but is there? There is nothing in the public record clarifying if there is any formal relationship between ARC and UCD. This project has *no* business implying that it is related to UCD to try to garner political favor with the public support the project. Why not Davis Research Park?

A further concern is in regard to the apparent goal of ARC desiring to make UC one of the first anchor tenants per the EPS contract Task #3:

From Oct. 8, 2019 CC meeting regarding the contract for ARC EPS fiscal study:

EPS – Task #3 (Staff report page 05A-17)

"Particular attention will be given to scenarios where UC as an early tenant, and potential catalytic and other effects this may have in terms of project economics."

a. This raises the issue of are any UC or UCD or any other non-profit entity tenant going to be allowed to get away with not paying taxes to the City due to their non-profit status? This would

certainly impact the fiscal analysis. Will there be a “make whole” provision for any of this type of tenant for leasing or purchase? How much land would UC/UCD potentially control?

b. This is to reiterate the concern of UCD attempting to use the ARC for more UCD student housing and then ARC attempting to count UCD students at part of their 60% “workforce” housing requirement.

c. In turn, UCD uses at ARC would inevitably create more traffic and circulation impacts due to the frequency of trips between UCD and ARC by any UCD employees or potentially students) who would be residents at ARC, even if their primary workplace would be at a UCD facility located at ARC.

12) The proposed housing should *not* be accelerated to being built in Phase 1.

a) In the MRIC proposal, housing was proposed to start in Phase 2 (**300 units**) – in the ARC proposal this is accelerated to Phase 1 (**270 units** followed by **350 units** in Phase 2, for a total of **620 units**).

b) The phasing of housing in the MRIC proposal was intended to require the developers to demonstrate a good faith commitment to create jobs before any housing development was allowed (this provision was insisted on by the city council). There is currently no such commitment in the ARC proposal (note: see details below).

c) MRIC phasing proposal as compared to ARC phasing proposal (from the City documents online):

MRIC phasing proposal:

See MRIC DEIR – Chapter 8 – Page 2

Phasing:

Similar to the proposed project, the Mixed-Use Alternative is anticipated to be built out in four phases. In addition, Phase 1 of the proposed project is the same as Phase 1 of the Mixed-Use Alternative. As illustrated in Figure 8-10, Phase 1 is anticipated to consist of approximately 45 acres in the southern portion of the site. Phase 1 is estimated to contain approximately 540,000 sf, which will include 400,000 sf of research/manufacturing space to accommodate the expansion needs of Schilling Robotics, and 140,000 sf of research/office/R&D development which may incorporate ancillary retail of up to 40,000 sf to serve the convenience needs of the innovation center employees. Two access points would be provided for Phase 1: 1) an enlarged intersection at Mace Boulevard and Alhambra Boulevard, and 2) a new southern access point, which would connect to CR 32A, east of the existing park-and-ride lot driveway. The two roadways would connect within the site thereby linking Phases 1A and 1B and creating through-site circulation for vehicles and pedestrians alike. In addition, Phase 1 would include the Transit Plaza which would serve as the focal point of the phase. *Workforce housing is not anticipated as part of Phase 1 but instead would be gradually introduced after the innovation center is established and*

tech employees are actively working on-site causing a demand for housing proximate to their jobs.

Once established, subsequent phases are anticipated to fill in the project's central core and then move north and east. The proposed development pattern represents a logical sequencing with structures gradually extending from the current urbanized area out toward the City's new urban boundary, although the exact pattern of build-out would be driven by user demand and infrastructure costs.

Phase 2 is anticipated to comprise approximately 29 acres located south of the MDC. The central feature of Phase 2 would be the "Oval" park which is a defining component located adjacent to Mace Boulevard. Total office/commercial square footage for the second phase is projected to be 700,000 sf, including the proposed hotel/conference center, various research/office/R&D centered on the Oval park, and additional ancillary retail space. In addition, *Phase 2 includes the initial offering of up to 300 workforce housing units*, designed to allow those individuals working at the center to live in close proximity to their jobs. The housing is planned to include a variety of mixed-use, rental, and for-sale residential options catering to the needs and demands of innovation center employees.

ARC phasing proposal:

See ARC Project Description – Pages 13-14

Phase 1 of the proposed Project is anticipated to consist of approximately 45 acres in the western portion of the site and will include 540,000 sf of nonresidential building space and up to 270 residential units comprised of single- and multi-family housing types. Construction of the residential units will be timed to slightly trail the commercial development so that jobs are created onsite prior to offering housing. Housing will be permitted at the ARC site at a ratio of one unit for every 2,000 square feet of nonresidential development. The goal, if possible, is to time the availability of the homes to be concurrent with the creation of the jobs so that it maximizes the likelihood that employees at the Campus will occupy the units thereby maximizing the environmental benefits of including housing at ARC. The housing is planned to include a variety of mixed-use, rental, and for-sale residential options catering to the needs and demands of innovation center employees. However, the housing at ARC will not be restricted to employees only but will, consistent with Fair Housing Act requirements, be available to the community at large.

Two vehicular access points would be provided for Phase 1: 1) an enlarged intersection at Mace Boulevard and Alhambra Boulevard, and 2) a new southern access point, which would connect to CR 32A, east of the existing park-and-ride lot driveway. The two roadways would connect within the site thereby creating through-site circulation for vehicles and pedestrians alike. In addition, Phase 1 would include the Transit Plaza which would serve as the focal point of the phase.

Phase 2 is projected to be 700,000 sf of commercial structures, including the proposed hotel/conference center, various research/office/R&D proximate to the Oval park, and additional

ancillary retail space. Phase 2 also includes the up to **350 workforce housing units**, continuing the direct linkage between the creation of jobs and the construction of homes. The central feature of Phase 2 would be the “Oval” park which is a defining component of the Project located adjacent to Mace Boulevard.

13) The developers claim that they will produce housing that is affordable”, but where is the data on what the developers are considering “affordable” at the ARC project? For the market rate units? Also, what percentage of the units would be legally affordable housing for lower income people who qualify for affordable housing?

14) The traffic and circulation patterns of the ARC mixed-use project, due to the massive housing component of 850 units, would significantly impact this vicinity of the City. Since this ARC project would be situated just off an already heavily impacted I-80 exit, this Mace overcrossing vicinity is already heavily impacted by the highway exiting traffic, the Target shopping center and soon to add to the impacts will be the Marriott’s Hotel, as well as the Nugget home office business park traffic when they are completed. This point is raised to re-emphasize the importance of doing cumulative impacts analysis *first*.

15) Based upon the many problems that the ARC mixed-use proposal presents including: a) the expected long-term costs that the 850 high density units would bring, b) the fact that the developers have no mechanism to ensure that at least 60% of the housing units would be occupied by at least one legitimate ARC employee (i.e. not becoming more UCD student housing), and c) the enormous traffic and circulation problems it would bring, **only an entirely commercial park as first proposed should be considered, or no project.** Housing for a commercial-only park could potentially be provided by the nearby Signature property.

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Sherri Metzker, Principal Planner
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Davis, CA 95616
smetzker@cityofdavis.org

16 December 2019

Re: Aggie Research Campus

Dear Ms. Metzger,

I write to comment on the scoping phase of the proposed Aggie Research Campus, which I understand would convert 185 acres of farmland into residential, office, and industrial uses, including renewable energy generation and storage. I wish to comment on impacts to wildlife posed by renewable energy generation, and on habitat loss to burrowing owl, Swanson's hawk, and other special-status species of wildlife.

My qualifications for preparing these comments are the following. I earned a Ph.D. degree in Ecology from the University of California at Davis in 1990. My research has been on animal density and distribution, habitat selection, habitat restoration, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I performed research and monitoring of wildlife impacts at renewable energy projects for 20 years, and I have authored many peer-reviewed reports, papers, and book chapters on fatality monitoring, fatality rate estimation, mitigation, micro-siting, and other issues related to biological impacts of wind energy generation. I served for five years on the Alameda County Scientific Review Committee (SRC) that was charged with overseeing the fatality monitoring and mitigation measures in the Altamont Pass Wind Resource Area (APWRA), and I prepared many comment letters on proposed renewable energy projects. I collaborate with colleagues worldwide on the underlying science and policy issues related to renewable energy impacts on wildlife. I have also performed research on Swanson's hawks for 30 years, and research on burrowing owls for 20 years, having published multiple papers on each species.

Renewable Energy

I am unaware of any evidence that distributed generation of renewable energy causes harm to wildlife, such as rooftop solar or wind turbines smaller than 2 KW, but I have witnessed firsthand the impacts of industrial-scale renewable energy generation. I have supervised fatality monitoring at wind projects. I used a thermal-imaging camera to perform more than 1,000 hours of nocturnal surveys of bats and birds flying into and around wind turbines, including too many actual collisions and many changes in flight direction and height above ground. I performed >1,500 hours of diurnal visual-scan surveys of wildlife around wind turbines, and I supervised thousands of additional hours

of such surveys. I have also analyzed fatality data from all over North America. Industrial-scale wind turbines and solar panels, such as those depicted in the ARC Aerial Perspective Exhibit and an architect's rendering in a Davis Enterprise article (authored by Felicia Avarez), cause injuries and fatalities to many birds and bats, and add energetic costs to volant animals attempting to avoid collision.

Bats are attracted to wind turbines (Kunz et al. 2007, Horn et al. 2008, Cryan et al. 2014, Smallwood unpublished data), which helps explain my estimate of nearly 1 million bat fatalities per year in the USA in 2012 (Smallwood 2013). Since 2012, however, installed capacity of wind energy in the USA has doubled to 100,125 MW (<https://www.awea.org/wind-101/basics-of-wind-energy/wind-facts-at-a-glance>, last accessed 8 December 2019), and so it is likely that bat impacts have also doubled. With the doubling of installed capacity since 2012, bird fatalities are likely now in the millions annually (Smallwood 2013). Wind turbine impacts coupled with habitat loss and other anthropogenic causes have resulted in a 29% loss of bird abundance across North American over the last 48 years (Rosenberg et al. 2019).

Bat fatalities caused by wind turbine collisions could be substantial at the project site, because a very large colony of Mexican free-tailed bats roosts under the Yolo Causeway bridge (Photo 1). Mexican free-tailed bats are well documented as vulnerable to wind turbine collisions, and I have seen them collide with turbines and I have found them dead and injured under wind turbines, sometimes up to 6 at a time. Mexican free-tailed bats roosting under the Causeway bridge can arrive at the project site within minutes, as the site is very close to the Causeway and bats fly very fast. Mexican free-tailed bats are attracted to wind turbines, so they would fly to any turbines installed on the project site. The project's impacts on bats could be devastating.

Regarding industrial-scale solar projects, such as the PV arrays depicted in the Davis Enterprise article, I recently obtained a large collection of data and fatality monitoring reports from industrial solar projects. I independently estimated fatality rates of birds at three of the projects so far (Smallwood, unpublished data). I found surprisingly high avian fatality rates caused by birds colliding with the panels – not just waterbirds resulting from the so-called “Lake Effect,” but all types of birds, including raptors. If industrial-scale solar projects are going to be constructed on site, then City of Davis needs to consider the perpetual bird impacts that will follow.

Wind turbines also kill Swanson's hawks – a species listed as Threatened under the California Endangered Species Act – and large numbers of burrowing owls (Smallwood et al. 2007, 2013). To help minimize impacts of renewable energy, diurnal and nocturnal behavior surveys are needed to characterize bird and bat flight patterns in the project area. Careful siting of renewable energy facilities is the most effective mitigation strategy (Smallwood et al. 2017), and one that needs to be considered here.



Photo 1. Some of the many thousands of Mexican free-tailed bats leaving the west end of the Yolo Causeway Bridge for foraging.

Swanson's hawk

The project site is located in the heart of the highest-density of Swanson's hawks in California (CDFW 2016, Battistone et al. 2019). It typifies the environment where Swanson's hawks forage (Smallwood 1995, Estep 2008, Swolgaard et al. 2008). An analysis of project impacts on Swanson's hawks is needed, along with appropriate mitigation. The mitigation guidelines of the California Department of Fish and Wildlife need to be followed.

Burrowing owl

Burrowing owls are known to occur at the project site. In fact, the site hosts one of the last small aggregations of burrowing owls in the Davis area. Through a series of decisions made by the Davis City Council, burrowing owls in the Davis area have nearly been extirpated. The owls on the Wildhorse Golf Course and the adjoining Agricultural Buffer were reduced to a single pair in the breeding season of 2019, and I saw no evidence that this pair produced any chicks this year. The City not only abandoned the maintenance of artificial burrows that had been installed years ago, but the shrubs and trees planted since then have grown to heights that are incompatible for burrowing owls.

A breeding colony of burrowing owls once occupied Mace Ranch Park, until RAMCO disked the field they were using and the City Council decided that a mere 3-acre reserve would suffice. It did not, and the burrowing owls were extirpated from Mace Ranch Park within a few years afterwards. What is happening in the Davis area is indicative of what is happening statewide – burrowing owls are rapidly declining (DeSante et al. 2007). Burrowing owls require lots of open space, including sufficient space for relocating from breeding season territories to winter foraging areas (Smallwood et al. 2013 and unpublished data). Burrowing owls also need the burrows and mutual alarm-calling of California ground squirrels (Smallwood and Morrison 2018). The project would eliminate substantial habitat space as well as the ground squirrels needed by burrowing owls to persist.

At a minimum the project needs to implement the detection survey protocol and mitigation guidelines of CDFG (2012). But much more is needed to prevent the extirpation of burrowing owls from the Davis area and Yolo County altogether. The Davis City Council needs to take burrowing owl conservation seriously or future generations of Davisites will no longer be able to see members of this iconic species.

Thank you for your attention,



Shawn Smallwood, Ph.D.

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From: Colin Walsh <colintm@gmail.com>

Sent: Wednesday, November 27, 2019 5:08 PM

To: Ashley Feeney <AFeeney@cityofdavis.org>; Mike Webb <MWebb@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>

Subject: Re: ARC Notice of Scoping Meeting Questions

Thank you Ash,

Please pass my regards on to your team. I appreciate their efforts. Maybe next time the City should pick a better date not after a holiday weekend.

As to the legal question perhaps you misunderstand. You said the scoping was voluntary, but what you did not address is why after deciding to do a NOP and scoping the city feels it can do less than is legally required in an NOP and scoping.

Best regards,
Colin

On Wed, Nov 27, 2019 at 5:02 PM Ashley Feeney <AFeeney@cityofdavis.org> wrote:

Hi Colin,

The applicant delivered a letter and two associated comparative exhibits today. Our team was able to get them uploaded to our webpage for the project before the holiday closure. Here is the link where you will find the uploaded materials:

<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/aggie-research-campus>

In my email yesterday I attempted to layout the legal requirements and why a scoping meeting for the supplemental is not required. Our CEQA consultant can expand on this at the scoping meeting on Monday. I'm going to sign off for the holiday but wanted to ensure you were notified that the comparative exhibits were delivered and posted as I had committed.

I hope you have a good Thanksgiving too.

Thanks,

Ash

Sent from my iPhone

On Nov 27, 2019, at 1:33 PM, Colin Walsh <colintm@gmail.com> wrote:

Ash,
Thank you for your speedy reply.
Please do keep me apprised of any new information.

I have one more question. You have repeatedly emphasized in your emails the voluntary nature of the scoping meeting that the City is doing on this project. Can you please cite the legal authorities that advise that once the City has decided to undertake a NOP and scoping meeting, (voluntary or otherwise) that it has the authority to short cut the legal requirements (such as proper notice or including a project description) for that NOP and scoping?

Have a good thanksgiving,
and thank you again,
Colin

On Wed, Nov 27, 2019 at 5:28 AM Ashley Feeney <AFeeney@cityofdavis.org> wrote:

Hello Colin,

The applicant has proposed a project that is to be consistent with the project that was analyzed under the mixed-use alternative. We are beginning the CEQA analysis not concluding it with this voluntary scoping meeting. After the public review draft supplemental EIR is complete, there will be a 45-day public review period on the actual document.

The potential impacts related to the level of intensity and overall development area for ARC (excluding the Mace 25) are to be consistent with the mixed-use alternative that is part of the

certified EIR for MRIC. The supplemental EIR is to examine conditions that have changed since the time the EIR was certified in 2017 relative to the potential impacts that were previously analyzed.

I have previously requested that the applicant submit a comparison of the ARC proposal to the MRIC mixed-use alternative proposal. Upon receiving it, it will be posted and distributed. I don't see this as a requirement for scoping given that the level of development is to be consistent with what was previously evaluated. As I mentioned earlier, the project is to remain consistent with the overall square footage and unit count that was previously analyzed. The focus of the scoping is about potential changed environmental conditions since the time the mixed-use alternative in the MRIC certified EIR was analyzed.

The project layout, site planning considerations and overall merits will be reviewed and discussed at public meetings. It is likely that there will be changes during the course of review which is common when reviewing development proposals. As long as none of the changes during the process result in an inconsistency with the level of intensity (overall level of square footage, land area, and unit counts) that was previously analyzed, site planning changes can happen throughout the review process.

Thank you for your interest in the project and as new information comes available, it will be shared on our website. Our planning consultant will be making a brief presentation at the beginning of the meeting on Monday further explaining the supplemental EIR scope and process. They will be available to explain process and answer questions throughout the meeting as well. The applicant will also have representatives there to answer questions about the project.

Thank you,

Ash

Sent from my iPhone

On Nov 26, 2019, at 11:22 PM, Colin Walsh <colintm@gmail.com> wrote:



Ash Mike and Sherri,

Thank you for your email. It raises some specific follow up questions.

You state in your email, "...the notice for the scoping meeting was not an official NOP... and did not include a detailed project description it was not determined necessary to do so given that the proposed Aggie Research Campus project is very similar in scope to the Mixed-Use Alternative that was evaluated in the MRIC EIR." What project description for the new ARC project did the City use to determine the "Aggie Research Campus project is very similar in scope to the Mixed-

Use Alternative"? What standard of similarity was used? is there a check list or table the City used in comparison?

Please provide the ARC project description the City used to determine similarity to the Mixed-Use Alternative. I expect this project description to be provided ASAP given the extremely short time the city has allowed for scoping and the fact that you should have it readily available since the City considered it to determine similarity. Frankly it should have been attached to the NOP as would be standard practice.

Please provide any documentation, work sheet, comparison tables or emails where the City did the comparison between the ARC project and the Mixed-Use alternative from the earlier EIR. I requested this at the City Council meeting on November 5th and have yet to be provided with any comparison that the City or consultants have done.

You state that the City's intent is to "solicit input and comments from public agencies and the general public on the proposed supplemental EIR." Specifically what public agencies have been noticed and how? What has been done to notice the public?

Your prompt reply is appreciated given the extreme time constraint.
Colin

On Tue, Nov 26, 2019 at 4:54 PM Ashley Feeney <AFeeney@cityofdavis.org> wrote:

Hello Colin,

The Davis City Council certified the environmental impact report (EIR) for the proposed Mace Ranch Innovation Center (MRIC) Project in September 2017, determining that it adequately evaluated the environmental impacts of the proposed MRIC project and a related Mixed-Use Alternative. The EIR included an analysis of the potential physical environmental impacts of a Mixed-Use Alternative, at the same level of detail performed for the proposed MRIC project. Once an EIR has been certified, any further review associated with subsequent discretionary actions related to the project is guided by Public Resources Code (PRC) Section 21166; California Environmental Quality Act Guidelines ("CEQA Guidelines") Sections 15162 and 15163. Neither PRC Section 21166 nor CEQA Guidelines Sections 15162-15163 include requirements for a new notice of preparation (NOP) and scoping meeting. The only specific requirement for a lead agency to issue a NOP and hold a scoping meeting is at the outset of the initial environmental review of a project (CEQA Guidelines Section 15082). The City of Davis issued a NOP and held a scoping meeting for the MRIC EIR process, as required.

While preparation of a new NOP and subsequent scoping meeting are not required for a subsequent EIR or supplemental EIR, the City of Davis is sensitive to the community's concerns and chose to hold a scoping meeting. As a result, the City has scheduled a scoping meeting for the proposed Aggie Research Campus project on December 2, 2019. The meeting is intended to focus more appropriately on collecting comments related to the changes in circumstances that may have occurred in the project vicinity since the certification of the MRIC EIR in 2017, given that this is an important criterion to consider when preparing further environmental documents for projects, according to CEQA Guidelines Section 15162(a)(2). The intent of the voluntary scoping meeting being held on Monday, December 2, 2019 starting at 5:00 PM and ending at 7:00 PM at Davis City Hall Conference Room, 23 Russell Blvd, Davis, CA 95616 is to solicit input and comments from public agencies and the general public on the proposed supplemental EIR. The intent was to receive comments before or during the scoping meeting. As an additional effort to provide ample opportunities for public engagement and input, City staff will not only hold the voluntary scoping meeting but will also extend the period to accept written comments from public agencies and the general public that are interested in providing input as to the scope and content of the supplemental environmental information to Monday, December 9, 2019 at 5:00 PM. Comments can be provided in person at the December 2, 2019 scoping meeting or written scoping comments can be delivered to the City of Davis Community Development and Sustainability Department, 23 Russell Boulevard, Suite 2 Davis, CA 95616 Attn: Sherri Metzker, Principal Planner or via electronic mail to smetzker@cityofdavis.org up until Monday, December 9, 2019 at 5:00 PM.

Kind regards,

Ashley Feeney

Assistant City Manager

(530) 757-5610

From: Colin Walsh <colintm@gmail.com>
Sent: Monday, November 25, 2019 6:26 PM
To: Ashley Feeney <AFeeney@cityofdavis.org>; City Council Members <CityCouncilMembers@cityofdavis.org>
Subject: Re: ARC Notice of Scoping Meeting Questions

Hi Ash,

Thank you for your email.

Considering the "scoping" meeting is on Friday Dec. 2 immediately following the Thanksgiving meeting (leaving only 2 business days between now and then) and I have raised the very serious question that no deadline was announced for when comments are due I would hope the City can get back promptly on this. It is very unclear what process the City is following here, it does not look like it is at all the proper supplemental EIR NOP process.

Colin

On Mon, Nov 25, 2019 at 4:59 PM Ashley Feeney
<AFeeney@cityofdavis.org> wrote:

Hello Colin,

I was forwarded a message where you raised some questions related to the upcoming scoping meeting for ARC. Sherri is out this week but I'll get a response out to you tomorrow.

Thanks,

Ash

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Comparison of MRIC general plan amendment and PPD to ARC general plan amendment and PPD and MRIC Mixed-use Alternative PPD.

All places where the MRIC general plan changes or PPD and the MRIC Mixed-use Alternative differ from the new ARC documents must be analyzed as they have changed since the MRIC EIR certification. Detailed charts of these changes follow.

This document is intended as comments for the ARC SEIR. The comments column on the right is supported by the columns to the left that show the specific general plan and PPD changes.

Submitted by
Colin Walsh

Comparison of MRIC general plan update and ARC general plan update

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>Intent: To provide sites for technology companies conducting research and development activities, such as product development, engineering, sales and administration, as well as ancillary light manufacturing and wholesale uses. It is the desire of the City of Davis to advance technology employment activities, and provide adequate space in which to allow for the growth and evolution of such companies so as to respond to changes in technology and capitalize on new opportunities. It is also the intent of the City of Davis to foster collaboration and the transfer of technology between UC Davis and Innovation Technology Centers.</p>	<p>Intent: To provide sites for an array of technology companies conducting research and development activities, such as product development, engineering, sales and administration, as well as ancillary light manufacturing and wholesale uses, and to provide adjacent housing and supportive uses to serve the housing needs of center employees. It is the desire of the City of Davis to advance technology sector employment activities, and provide adequate space in which to allow for the growth and evolution of such companies so as to respond to advancements in technology, changing market demands and to capitalize on new opportunities. It is the intent to holistically design these innovation center spaces to encourage interaction and crosspollination between individuals and companies, emphasizing the concept of “live, work, play.” It is also the intent of the City of Davis to foster collaboration and the transfer of technology between University of California, Davis and the Innovation Centers.</p>	<p>“to provide adjacent housing and supportive uses to serve the housing needs of center employees.”</p> <p>“changing market demands”</p> <p>holistically design these innovation center spaces to encourage interaction and crosspollination between individuals and companies, emphasizing the concept of “live, work, play.”</p>	<p>Since there is no mechanism to assure ARC employees will live in the project the housing must be considered as if no, or few employees live there.</p> <p>The idea that the project will adjust to meet “changing market demands” must be considered in the analysis of impact. With the express flexibility for change, it has to be assumed that the project could be built dramatically differently from what is proposed. These permutations must be studied. Especially an all housing, or almost all housing alternative.</p> <p>The intent states that the project is “featuring proximate freeway access to minimize impacts on the local roadway system.” But we now know that traffic in Davis is deeply linked to traffic on the freeway. The most recent studies, and the most recent use of navigation apps to circumvent traffic must be considered and analyzed in relation to the new ARC project. The new ARC General plan intent is to have a car centric freeway development. That must be considered when analyzing the project. Although the project claims to have reduced parking spaces. The GP intent continues to state that it is a freeway and car dependent project. Traffic analysis must be done with the understanding that the developers intend a car centric freeway oriented project, and it must also take into consideration all of the new external developments. The traffic circumstances have come to be better understood since the MRIC EIR, so this area must have a robust analysis and that analysis should not use the low parking assumptions the developer puts forward, but instead use the idea put forward in the general plan intent stating it is a car and freeway centered development.</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>The research park shall be of adequate size to accommodate numerous users and be designed so as to create a campus-like environment. The research park shall be characterized by superior site planning, architectural and landscape architectural design; traffic management; and environmental controls. In order to achieve this goal, planned development zoning and design guidelines shall be utilized. It is the intent that a Innovation Technology Center will maximize the internalization of trips by developing many of its own support services and featuring proximate freeway access to minimize impacts on the local roadway system.</p>	<p>The Innovation Center shall be of adequate size to accommodate numerous users and be designed so as to create a campus-like environment. The research park shall be characterized by superior site planning, architectural and landscape architectural design, traffic management, and environmental controls. In order to achieve this goal, planned development zoning and design guidelines shall be utilized. It is the intent that an Innovation Center will maximize the internalization of trips by incorporating a mix of uses, developing many of its own support services and featuring proximate freeway access to minimize impacts on the local roadway system.</p>	<p>ARC adds the idea that “by incorporating a mix of uses”</p>	<p>ARC adds the idea that “by incorporating a mix of uses” will maximize the internalization of trips. But there is no plan in any documentation provided by ARC that suggests it is possible to restrict housing to people who also work in the ARC business park. Without a actual plan or even a single example of where this has worked else where ARC’s impacts must be evaluated as if few or no workers liv in the housing. Workers will commute in from else where. Residents will commute to jobs or the campus every day. This higher level of car travel and GHG emissions must be considered when analyzing the project.</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>Allowable Uses: Offices (including, but limited to headquarters, business, professional and medical), light industry, research and development, light manufacturing and warehousing (as an ancillary use), provided they meet City standards regarding pollution, health and safety factors. Retail uses shall be limited to support commercial uses, which may include lodging, conference space, restaurant, fitness and other services. Said uses should not compete with the downtown and neighborhood shopping centers and shall be appropriately limited in size to achieve the objective of serving the Innovation Technology Center. Related amenities and open spaces serving the research park may also be allowed.</p>	<p>Allowable Uses: Offices (including, but limited to headquarters, business, professional and medical), light industrial, research and development, light manufacturing, laboratory, and warehousing (as an ancillary use), provided they meet City standards regarding pollution, health and safety factors. Residential – Medium and High Density, including a variety of housing types, unit sizes, prices and rents, designs, and architecture diversity. Onsite housing is intended to serve the needs of a diverse Innovation Center workforce. Retail uses shall be limited to support commercial uses, which may include lodging, conference space, restaurant, fitness and other convenience services. Said uses should not compete with the downtown and neighborhood shopping centers and shall be appropriately limited in size to achieve the objective of serving the Innovation Center and reducing the need for offsite vehicular trips. Related amenities and green spaces serving the research park are encouraged.</p>	<p>Residential – Medium and High Density, including a variety of housing types, unit sizes, prices and rents, designs, and architecture diversity. Onsite housing is intended to serve the needs of a diverse Innovation Center workforce.”</p> <p>green spaces serving the research park are encouraged.</p>	<p>There is no mechanism put forward by the developer to insure the housing in the project will be occupied by the people who work in the ARC project, therefore it must be analyzed as just housing. In fact it is likely illegal under fare housing laws to prevent people who don't work in the project from living there. All traffic and other impacts of housing must be evaluated accordingly. It also must be evaluated in light of the worsening conditions. Studies must be done to take in the compound impacts of increased traffic, other near projects, and Woodland projects on road 102 where the nearest onramp for 80 is at Mace.</p> <p>Because the MRIC mixed-us alternative only looked at the housing as providing unreasonably high levels of onsite worker occupancy, but no mechanism has been shown for how this would be achieved in the ARC this needs to be considered as a change from the MRIC EIR and be analyzed.</p> <p>Because the General plan is being changed to allow for housing as a use for the entire development, a all housing or near all housing alternative mused be considered in the new EIR analysis. The developer could decide “changing market demands” dictate the need to switch the project to all housing.</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>Prohibited Uses: Residential housing; major retail or highway commercial; heavy manufacturing; exclusive distribution and exclusive warehousing.</p>	<p>Prohibited Uses: Major retail or highway commercial; heavy manufacturing; exclusive distribution and exclusive warehousing.</p>	<p>“residential housing” was prohibited in MRIC</p>	<p>Residential housing is now allowed for the entire project under zoning and that needs to be evaluated in the EIR.</p> <p>The zoning claims that highway commercial will not be allowed, yet the project description states, “The hotel/conference center would be located in the southwestern corner, near the intersection of Mace Boulevard and 2nd Street.” This location is the closest to the highway and must be considered as highway commercial. The hotel will be visible from the freeway, and the commercial hotel will surely accept any guests that book, not just ARC visitors. Therefore the hotel must be viewed as a highway draw, and the car trips and GHG must be considered as though it were highway commercial despite the misleading claims in the zoning.</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>Maximum Floor Area Ratio: 50 percent.</p>	<p>Floor Area Ratio: Innovation Center development should achieve a fifty percent floor area ratio (0.5 FAR) taking into consideration the unique needs of a diversity of industry types.</p>	<p>With the injection of the word “should” the ARC GP update changes the FAR requirement to a suggestion. It then suggests circumstances that may result in different FAR, “taking into consideration the unique needs of a diversity of industry types”</p>	<p>With the insertion of the word should in the FAR there is now no limit to what the FAR will be in the proposed project. This is different than what was considered in the MRIC EIR or mixed use alternative and is a very significant change to the project. This change of zoning can be seen as allowing the much diminished open space in the project description. Given this change to the GP the project needs to be evaluated in the EIR as having much higher FAR. When there is conflicting information for example, the Project description claims there will be 1,510,000sf of “Office; Research & Development; Laboratory,” but the developers chart submitted on Nov. 27 states that there will be 1,610sf of “ffice; Research & Development; Laboratory,” the higher number, or even higher, must be used to evaluate the project.</p> <p>Additionally, the language “taking into consideration the unique needs of a diversity of industry types” gives reasons the developer may have a much different FAR in the future.</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>Size: A single Innovation Technology Center shall not exceed 230 acres.</p>	<p>Size: A single Innovation Center shall not exceed 250 acres.</p>	<p>ARC is allowed a larger area by 20 Acres</p>	<p>An increase in size of the allowable project of 20 acres is a change in ARC that was not considered in the MRIC EIR or MRIC mixed-use alternative. This larger project size must be considered in the EIR. Even though the project description states there is a smaller size, it must be considered that this change will allow a larger project and the project must be considered at that larger scale. The City could allow the developer to use the City's snd street triangle or adjacent 25 acres, and the developer is clearly allowing for such additions to the project with this larger zoning. This change to the project since the EIR was performed must be considered</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>Policy LU S.1 Innovation Technology Center should include sophisticated land use planning, high quality architectural and landscape design, building flexibility, a variety of amenities and environmental controls.</p>	<p>Policy LU S.1 Innovation Center should include sophisticated land use planning, a complementary mix of uses to foster innovation, high quality architectural and landscape design, building flexibility, a variety of amenities and environmental controls.</p>	<p>ARC, ads “a complementary mix of uses to foster innovation,”</p>	<p>Far from being “complementary, the ARC project introduces an unusual mix of single family and apartment homes in close proximity to manufacturing and laboratory uses.</p> <p>The chemicals and materials, possibly even specifically hazardous materials present on site for several of the allowed uses and their proximity to housing must be considered as part of the potential environmental impact. This was not considered in the MRIC EIR or mixed use alternative.</p> <p>The impact of manufacturing noise 24/7 as is allowable in the project must be considered in analyzing impact. With housing in closer proximity to the manufacturing than was evaluated in the previous MRIC EIR or Mixed-use alternative, this impact must be considered. This housing may not even be safe or livable given the proximity to manufacturing and laboratory uses.</p> <p>Noise, Effluent, and exhaust impacts on homes, daycares and and other possible uses allowed in the zoning must be considered. The zoning has no set back requirements for any of the uses allowed within it. It would be highly unusual for a chemical manufacturing company to locate adjacent to a daycare, yet that is allowable under the ARC PPD and therefore must be analyzed. Specifically the potential for any allowable use to be located next to another allowable use must be analyzed.</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
	<p>Policy LU S.2 An Innovation Center should include residential units to, in collaboration with existing housing supply, accommodate sufficient employees so as not to negatively impact the jobs/housing balance of the City. All housing should be designed and priced to accommodate the diverse needs of an Innovation Center workforce.</p>	<p>ARC adds “An Innovation Center should include residential units to, in collaboration with existing housing supply, accommodate sufficient employees so as not to negatively impact the jobs/housing balance of the City. All housing should be designed and priced to accommodate the diverse needs of an Innovation Center workforce.”</p>	<p>Since there is non mechanism for how the housing will be filled only by ARC workers or even by large percentages of ARC workers this fluff language must be disregarded and the full impact of this housing must be considered. This is different than was considered in the MRIC Mixed-use alternative, because MRIC claimed the housing would be occupied by workers. The developer has had several years now to put forward a plan or mechanism for how the housing would be filled by workers, but has offered no plan. Fair housing laws would seem to preclude further preclude this. Therefore the new EIR must evaluate the full impact of housing NOT occupied by MRIC workers. Since the developer failed to put forward ANY plan for how this pie in the sky worker housing might work, it must be seen as a change since the EIR was done, and the full impact of the housing must be considered.</p>
<p>Policy LU S.2 An Innovation Technology Center shall mitigate for the loss of agricultural land by preserving no less than 2 acres of agricultural land for every 1 acre developed.</p>		<p>This language is completely removed from the ARC general plan update: “An Innovation Technology Center shall mitigate for the loss of agricultural land by preserving no less than 2 acres of agricultural land for every 1 acre developed.”</p>	<p>Removal of 2 to 1 gland mitigation from the general plan would be a dramatic change to the way the City mitigates this new development. This is a enormous change since the MRIC EIR and must be considered in the new EIR. If no mitigation land is required with ARC, that is well outside the recent Davis norms. This change and loss of mitigation must be considered in the new EIR</p>

MRIC General Plan Change	ARC General Plan Changes	Differences	Comment
<p>Policy LU S.3 A maximum of ten percent of the overall square footage may be commercial use provided that the commercial is supportive of the surrounding Innovation Technology Center businesses and that it does not cause significant negative impacts or disturbance of the overall business environment.</p>	<p>Policy LU S.3 A maximum of ten percent of the non-residential square footage may be commercial use provided that the commercial is supportive of the Innovation Technology Center businesses and residents, and that it does not cause significant negative impacts or disturbance of the overall business environment.</p>		

Comparison of MRIC PPD and ARC PPD

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
<p>Purpose.</p> <p>The purpose of the Mace Ranch Innovation Center (MRIC) district is to provide an environment where leading-edge institutions and local, regional and international companies cluster and connect with start-ups, businesses incubators, and accelerators as well as the University of California, Davis to foster a creative and productive research and development center.</p>	<p>The purpose of the PPD district for the Mixed-Use Alternative is to provide a setting in which leading-edge institutions and local, regional, and international companies can cluster and connect with start-ups, businesses incubators, and accelerators, as well as UC Davis, to create a productive research and development center.</p>	<p>The purpose of the Aggie Research Campus (ARC) district is to provide an environment where leading-edge institutions and local, regional and international companies cluster and connect with start-ups, businesses incubators, and accelerators as well as the University of California, Davis to foster a creative and productive research and development center where innovators live, work and play.</p>	<p>ARC PPD adds where innovators live, work and play.</p>	<p>The EIR needs to consider the change to zoning which now expresses a 24 hour purpose for the site, that it will be a place “where innovators live, work and play.” This is a more intensive 24 use than was included in the original MRIC proposal. Further, the idea that the site will have opportunities for play must also be considered since that is also not in the MRIC Mixed-use alternative. Creating place where people will also play is likely to draw people in from other parts of town, and given the freeway proximity other places in the region. All of the additional traffic impacts of creating a play area in the innovation park must be considered. Unfortunately the project proposal is very vague on what type of play facilities will be included at this time, so the EIR must evaluate it at the highest levels.</p>

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
Permitted uses.				
The principal permitted uses of land in the MRIC district are as follows:	The PPD for the Mixed-Use Alternative identifies the following principally permitted uses:	The principal permitted uses of land in the ARC district are as follows:	None	

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
<p>(a) Offices: including administrative, executive, headquarters and medical.</p>	<p>Offices: including administrative, executive, headquarters and medical.</p>	<p>(a) Offices: including but not limited to administrative, executive, headquarters, medical, coworking and incubator space.</p>	<p>The ARC PPD greatly expands the use over the MRIC PPD by adding the modifier “but not limited to.” The PPD goes on to add “coworking and incubator space”</p>	<p>The ARC PPD greatly expands the use over the MRIC PPD by adding the modifier “but not limited to.” This greatly opens what types of businesses can be located here. It essentially sets no limit. With a broader range of businesses able to locate here, build out may happen faster. This change is growth inducing because it expands what businesses can be located here. By adding coworking space the the ARC PPD contemplates a very different model of business than was considered in the MRIC EIR. Coworking spaces provide work spots for individuals instead of companies. Since these individuals are working independently it reduces carpool opportunities and increases the need for parking. This different business model introduced in ARC must be analyzed to consider the different impacts it may have.</p>

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
(b) Laboratories: including but not limited to research, design, analysis, development and/or testing of a product	Laboratories: including but not limited to research, design, analysis, development and/or testing of a product.	(b) Laboratories: including but not limited to research, design, analysis, development and/or testing of a product	None	
(c) Light manufacturing, assembly or packaging of products, including but not limited to electrical, pharmaceutical, biomed and food products and devices, and associated warehousing and distribution.	Light manufacturing, assembly, or packaging of products, including but not limited to electrical, pharmaceutical, biomed and food products and devices, and associated warehousing and distribution.	(c) Light manufacturing, assembly or packaging of products, including but not limited to electrical, pharmaceutical, biomed and food products and devices, and associated warehousing and distribution.	None	
(d) Any other technical, research, development or light manufacturing use determined by the Planning Director to be of the same general character as the permitted uses.	Any other technical, research, development, or light manufacturing use determined by the Planning Director to be of the same general character as the permitted uses.	(d) Any other technical, research, development or light manufacturing use determined by the Planning Director to be of the same general character as the permitted uses.	None	

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
<p>e) Any use which handles, stores or treats in any fashion hazardous materials as defined in Section 40.01.010 of this chapter in a manner consistent with adopted MRIC performance standards.</p>			<p>“use which handles, stores or treats in any fashion hazardous materials” has been changed from a permitted use to a conditional use.</p>	<p>Because it will now be more difficult to have a business “which handles, stores or treats in any fashion hazardous materials” this will need to be analyzed in the EIR and financial analysis. This is a significant range of businesses that fit into the goals set forth by the developer. Many ag and tech companies need these materials in the regular course of business. With there now being limits on this type of business were contemplated in the analysis of the MRIC and the Mixed-use alternative, the loss must be analyzed. What will the financial impact be on the project? Will the project only be able to attract the more dense office spaces with larger numbers of employees? All of this must be considered and analyzed.</p>

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
	<p>Residential: workforce housing with an average density at or above 30 dwelling units per acre. The anticipated density range is between 20 and 50 dwelling units per acre, or higher, depending on product type.</p>	<p>(e) Residential: workforce housing with an average density at or above 30 dwelling units per acre. The anticipated density range is between 15 and 50 dwelling units per acre, or higher, depending on product type.</p>	<p>The entire residential section has been added in comparison to the MRIC PPD.</p> <p>The housing is denser than was analyzed in the MRIC Mixed-use alternative.</p>	<p>More and a wider variety of housing is being considered in the ARC PPD than was considered in the MRIC EIR or Mixed Use Alternative. With more housing it increases the chances that people who work outside of the project will occupy the housing thus increasing cartrips and GHG emissions. This additional housing must be considered in the new EIR. Also with the addition of housing as mentioned above, a all housing alternative must be considered because the developer will likely have the opportunity to increase the amount of housing in the project in the future.</p> <p>By adding residential to the zoning to the entire business park it is possible the developer will develop the entire property, or most of the property to residential. Or much of the property could be converted to residential at a later time. Residential is a more intensive use than is contemplated in the EIR. Zoning the entire property for residential is not contemplated in the MRIC Mixed -use alternative. Therefore a all, or mostly all residential alternative needs to be considered in the SEIR.</p> <p>Additionally the ARC PPD allows for denser housing than the MRIC Mixed-use alternative. The impact of the denser housing needs to be analyzed in the new SEIR.</p>

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
	(f) Home Occupation.		“home occupation” was included in the MRIC Mixed-use but has been removed in the ARC PPD.	Allowing for home occupation in the project as was analyzed in the MRIC Mixed-use alternative would have reduced car trips and GHG but it has been dropped from the ARC PPD. Home occupation provided a better option for guaranteeing that some amount of the residents would work in the ARC project. There is no guarantee that employees of ARC will live in the project, and the developer has provided no details of any program that would encourage it. Removing Home occupation from the PPD is a change since the MRIC Mixed-use analysis and therefore must be analyzed.
		(f) Renewable energy generation and storage facilities.	The entire “Renewable energy generation and storage facilities.” Use has been added.	Renewable energy generation and storage facilities were not contemplated as allowed use of any part of the development in the previous development or the MRI Mixed-use alternative. The AARC project description is vague on this with no real mention. The EIR needs to be updated to consider many variations of energy generation on this location.

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
				<p>Wind turbine impacts are coming to be well known with bird and bat strikes front and center. Considering there are 2 bird species of interest at or near the ARC site, wind turbine impact on the habitat must be carefully evaluated. Wind energy can have adverse environmental impacts, including the potential to reduce, fragment, or degrade habitat for wildlife, fish, and plants.</p> <p>Furthermore, spinning turbine blades can pose a threat to flying wildlife like birds and bats.</p> <p>Additionally, sound, visual impact, vibration and shadow flicker effects must be considered. With the close proximity to houses, the impact of the turbines on the houses must be considered (Wind turbines generate some noise. At a residential distance of 300 metres (980 ft) this may be around 45 dB.). Wind turbines are required to have aviation lighting, the impact of this lighting on nocturnal animals such as owls and bats must be considered. Consider K. Shawn Smallwood, "<u>Comparing bird and bat fatality-rate estimates among North American wind-energy projects</u>", Wildlife Society Bulletin, 26 Mar. 2013.</p>

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
				<p>Solar power impacts must also be evaluated. Land use and habitat loss, water use, and the use of hazardous materials in manufacturing must be considered. Large fields of solar power could have dramatic impacts on habitat. Unlike with wind turbines there is no opportunity to collocate with ag uses. This would be a poor choice of use of category 1 ag land and the impact must be considered. With no specified tenant in the development it must be assumed that a energy generation facility is a possible tenant and given the by right inclusion in the PPD all of these uses must be included in the EIR analysis.</p> <p>Renewable energy generation was not considered in the previous EIRs and must be considered now.</p>
(f) Support Retail, single users at or less than 25,000 square feet, including but not limited to food and beverage, restaurant, dry cleaners, fitness center or gym.	(g) Support retail, single users at or less than 25,000 sf, including but not limited to food and beverage, restaurant, dry cleaners, fitness center, or gym.	(g) Support Retail, single users at or less than 25,000 square feet, including but not limited to food and beverage, restaurant, dry cleaners, fitness center or gym.	None	
(g) Lodging or Hotel.	(h) Lodging or Hotel.	(h) Lodging or Hotel.	None	

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
(h) Conference Space.	(i) ConferenceSpace.	(i) ConferenceSpace.	None	
(i) Agriculture, except the raising of fowls or animals for commercial purposes, or the sale of any products at retail on the premises.	(j) Agriculture, except the raising of fowls or animals for commercial purposes, or the sale of any products at retail buildings on the premises.	(j) Agriculture, including open air or greenhouse cultivation of crops and the tasting and/or sale of any products cultivated or produced on the premises, but excepting the raising of fowls or animals for commercial purposes.	The ARC adds “including open air or greenhouse cultivation of crops and the tasting and/or sale of any products cultivated or produced on the premises” but all of these uses would seem to be included in the general term agriculture.	The impacts of “open air or green house cultivation of crops and the tasting and/or sale of any products cultivated or produced on the premises” have been added since the MRIC EIR and Mixed-use PPD. The impacts of this must be considered. The impacts on residents in close proximity of this area must be considered. These operations need to be reviewed as conventional agriculture and the use of pesticides and impacts not he surrounding areas must be considered. This needs to include the use of rodenticides and the resulting impacts on birds of prey, and on ground squirrels who’s burrows are essential for the burrowing owl population know to be in the area.

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
		(k) Higher Education: extensions or graduate programs; public, semipublic or private.	"Higher Education: extensions or graduate programs; public, semipublic or private." Has been added since the MRIC EIR or Mixed-use alternative	<p>Adding, "Higher Education: extensions or graduate programs; public, semipublic or private." Adds a higher traffic use to the ARC project over what was previously considered. With the remote and freeway adjacent location of the project this use will certainly draw many of its participants by car and by the freeway. While it is true that MRIC is proposing a shuttle to UCD, there is no reason to believe that it will be UCD who opens the Higher ed extensions. UCD is focusing its innovation center development in Sacramento at Aggie Square, so it is in fact unlikely UCD will be interested in colocating at ARC. This could be. Location for a community college extension that would be a regional draw for example. The resulting GHG and increased car trips resulting from these uses must be considered.</p> <p>Adding the higher education uses is likely to be growth inducing as it will attract new students to Davis. This impact must be considered.</p>

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
((k). Any use which handles, stores, or treats in any fashion hazardous materials as defined in Section 40.01.010 of the Davis Municipal Code in a manner consistent with adopted City standards.	(l) Any use which handles, stores or treats in any fashion hazardous materials as defined in Section 40.01.010 of this chapter in a manner consistent with adopted ARC performance standards.	The use of hazardous materials is retained in the ARC PPD, but the PPD also adds housing with no guideline to proximity to the hazardous materials.	The EIR must evaluate the proximity of housing added in the ARC PPD to hazardous materials. Although some housing was added in the MRIC Mixed-use alternative, the housing is closer to the facilities that will be allowed to use hazardous materials in the ARC project map, thus there are potentially new impacts that must be understood. Additionally, the MRIC EIR or Mixed use alternative did not properly consider the proximity of hazardous materials to housing so this analysis has not been properly done, and no proper mitigations have been considered. The addition of the language, “in a manner consistent with adopted ARC performance standards.” Is meaning less since these standards have not been set forward and therefore worst case scenarios must be considered.
Accessory uses.				

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
the following accessory uses are permitted in the MRIC district:		The following accessory uses are permitted in an ARC district:		
		(a) Home occupations subject to the provisions of Sections 40.01.010 and 40.26.150;		The MRIC Mixed-use alternative considers home occupation as an allowed use, but ARC only allows it as a conditional use. This will discourage people from having home businesses and is a change that must be analyzed.
antenna, telecommunications		(b) Antenna and telecommunications;		
child care/day care facility,		(c) child care/day care facility;		
parking garage,		(d) parking garage; and		
signs.		(e) stand-alone corporate signage.		
Conditional uses.				
The following conditional uses may be permitted in the MRIC district:		The following conditional uses may be permitted in the ARC district:		
(a) Support Retail, single users larger than 25,000 square feet.	(a) Support Retail, single users larger than 25,000 sf.	(a) Support Retail, single users larger than 25,000 square feet.		

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
(b) Public and semipublic, including public utility uses necessary and appropriate to the MRIC district.	(b) Public and semi-public, including public utility uses necessary and appropriate to the MRIC district.	(b) Public and semipublic, including public utility uses necessary and appropriate to the ARC district.		
(c) Any use which handles, stores or treats in any fashion hazardous materials as defined in Section 40.01.010 of this chapter in a manner deemed to exceed or inconsistent with the adopted MRIC performance standards.	(c). Any use which handles, stores, or treats in any fashion hazardous materials as defined in Section 40.01.010 of the Davis Municipal Code in a manner deemed to exceed or be inconsistent with the adopted City standards.	(c) Any use which handles, stores or treats in any fashion hazardous materials as defined in Section 40.01.010 of this chapter in a manner deemed to exceed or inconsistent with the adopted ARC performance standards.	There is a difference in what standards are set	<p>There are no adopted performances standards in ARC and there is housing added to the project. The proximity of housing and daycares to hazardous materials needs to be properly considered. The new maps locate housing closer to likely sites were these materials will be used than in the MRIC mixed-use alternative so this needs to be more thoroughly evaluated.</p> <p>With no adopted standards it has to be assumed that the intention is to weaken City standards, since City standards are what was set out in the ARC PPD. This weakening of City standards must be analyzed.</p>
Prohibited uses.				
The following uses are prohibited in the MRIC district:		The following uses are prohibited in the ARC district:		

MRIC PPD	MRIC Mixed Use PPD	ARC PPD	Differences	Comment
<p>(a) Surface mining operations and mineral extraction, including but not limited to natural gas extraction. This prohibition does not apply to the importation or exportation of overburden and fill material used in grading and/or site preparation.</p>		<p>(a) Surface mining operations and mineral extraction, including but not limited to natural gas extraction. This prohibition does not apply to the importation or exportation of overburden and fill material used in grading and/or site preparation.</p>		

Architectural standards

MRIC PPD	ARC Project Description	Difference	Comment
<p>Architectural standards and approval.</p>			
<p>(a) The City Council has adopted Design Guidelines for the MRIC district at a public hearing. All proposed new structures or additions to existing structures consistent with the adopted guidelines may be approved by the community development and sustainability department subject to site plan and architectural review as identified in Section 40.31.040(r) of this Code or as otherwise prescribed in the guidelines;</p>	<p>...The final planned development and accompanying tentative map(s) and design review will need to identify a greater degree of specificity, such as precise locations and configurations of lots and buildings, including all dimensions necessary to indicate size of structure, setbacks and yard areas, etc.. Subsequent entitlements will also establish design standards and ensure consistency therewith. Proposed buildings will need to submit elevations and design details sufficient to determine consistency with Design Guidelines, such as landscaping, fencing, and screening, etc. In sum, there will be a series of subsequent entitlements at which time more definitive detail will be proposed. It is anticipated that much of the building design and structural configuration proposals will be user driven.</p>	<p>No Design standards yet for ARC</p>	<p>To the extent the design and architectural standards effect EIR review, review and analysis can not happen until design standards are set. Many design decisions can effect the impact of a project. Building materials, heights, landscaping and many other factors that fall into design could change the considerations of the EIR. This is a changed circumstance since the MRIC EIR since the MRIC standards have not been carried forward. With no set standards I am not sure how they can even be properly considered, so a worst case scenario will have to be used for the EIR.</p> <p>With now landscape guidelines or plans a full analysis of possible plantings will be needed. This could include water intensive non native and invasive species.</p>

MRIC PPD	ARC Project Description	Difference	Comment
(b) The community development and sustainability director or designee shall utilize the Mace Ranch Innovation Center (MRIC) design guidelines in reviewing public and private projects within the MRIC district boundary for which site plan and architectural approval is required;			
(c) Site plan and architectural approval shall be required for all projects as specified in the design review process section of the guidelines;			
(d) The MRIC Design Guidelines have been adopted by the city to serve as a guide to the city staff, citizen and project proponent in regard to development within the MRIC district boundary; and			
(e) The MRIC Design Guidelines are approved to be consistent with and implement the general plan, applicable zoning regulations, and other applicable land use regulations.			
Special conditions.			

MRIC PPD	ARC Project Description	Difference	Comment
<p>(a) All uses permitted by this article, shall be subject to review by the community development director for a determination of consistency with design guidelines and performance standards.</p>			
<p>(b) All uses shall be conducted wholly within a completely enclosed building, except for use specific testing facilities, off-street parking and loading facilities, cafes and eateries, and public utility substations.</p>			<p>With no standard requiring enclosed buildings, it will need to be assumed and analyzed with functions happening in the open air. This will increase noise, and emissions. This is different than the circumstances at the time of the MRIC EIR and therefore must be considered in the SEIR. Further, the maps show these activities likely to occur closer to residential housing in the new ARC project than they would have in the old MRIC project and that must also be taken into consideration. What will the impacts of open air activities be on adjacent housing?</p>

Growing Pains: Thirty Years in the History of Davis

Chapter 6 - Mace Ranch: A Disturbing Challenge

Davis was unprepared in 1986 for a high-stakes political showdown over development along its borders, and its slow-growth policies were largely to blame. The crisis came swiftly, without much warning, demonstrating that the growth-control policies were more fragile and more susceptible to damage from political forces beyond the city's borders than officials had believed. Davis city suddenly found itself tormented by a recurring nightmare, where new houses, shopping centers, and industrial projects kept popping up just outside of the city's borders, just beyond the city's control. Looking back, Dave Rosenberg, mayor from 1986-88 and again in 1994-95, acknowledged the crisis caught Davis by surprise. "I think it's fair to say that," he said. "Mace Ranch changed everything."

In the early 1980s, motorists headed north on Mace Boulevard were greeted by a pastoral panorama as they mounted the overpass across Interstate 80. Off to the left, was an expanse of more than 600 acres of farmland located within the Mace Curve, the stretch of road where Mace bends to the west and eventually becomes Covell Boulevard. The site's prime soils were particularly suitable for row crops such as tomatoes and sugar beets, but could sustain other crops such as walnuts and alfalfa. Still, the land seemed a likely candidate for development: housing lay adjacent to part of its western boundary, the freeway ran just to the south, and the Mace Curve appeared to be a natural boundary for urban development on the east. City officials could accept that the land might be developed someday, but didn't expect that day to come anytime soon.

Developer Frank Ramos of West Sacramento, though, had other ideas for about 530 acres owned by him and his partners in Mace Ranch Investors. The partnership purchased the land around 1981 and soon afterward approached the city informally about their plans. According to Ramos, he got no encouragement from City Manager Howard Reese and Planning Director Fred Howell. Late in 1984, the partnership filed plans with the city for a 94-acre project called the Davis Technology Center. Proposed for land located north of Second Street just east of the city limits, it was to feature an industrial park, as well as land for research and development firms. At about the same time, Ramos unveiled a master plan for the entire site, without submitting plans for the remaining 434 acres. The master plan included a 198-acre research-and-development business park and set aside 67 acres for an industrial park. Houses would be built on 146 acres, a conference and cultural center on 37 acres and a hotel on 28 acres. An energy cooperative that would use solar energy to generate electricity would need another 11 acres, a winery would take up 12 acres and public streets would cover 37 acres.

The master plan created a major dilemma for the city, but also created a political backlash against Ramos. The city's dilemma sprang largely from a decision to maintain a small sphere of influence, a decision dictated by its growth-control policies. In California, a sphere of influence generally delineates which land outside a city's borders it anticipates needing for development during the following 20 years. Davis kept its sphere of influence very small, because it intended to grow slowly. Placing more land into the sphere of influence would have allowed Davis to exert more control over the land, but also would have created an expectation that it would be developed. Ramos filed the 94-acre project because that land was within the city's sphere of influence. The remaining 434 acres weren't, and Davis was abuzz with rumors that Ramos might ask Yolo County officials to approve development there over any city objections. Ramos could argue any proposal for the 434-acre site should go to the county, because city officials gave up their chance to take control of the site when they declined to put it in the sphere of influence. City officials loathed the idea, because county approval of the project would imperil city growth-control policies. Moreover, the county would get tax revenue that normally would go to the city, but Davis likely would have to cope with traffic and other problems created by the project.

Normally, Davis officials wouldn't have worried much about the county's intentions. County planning



policies clearly said urban development proposed for land located within the Davis urban area, but outside of the city limits area should be annexed to the city. "Yolo County shall require urban uses to be placed within city limits in the urban areas of Davis, Woodland and Winters, and within the urban service areas of all unincorporated urban areas," said one of those policies. [1] Moreover, the county Board of Supervisors generally had been faithful to that principle since adopting it in the mid-1960s after it allowed El Macero to be built outside the city limits and Davis responded by annexing huge tracts of farmland where South Davis stands today.

Circumstances had changed by the time the crisis began to unfold, however. The county was in the midst of an on-going fiscal crisis and was looking for ways to increase its revenue. To some county supervisors, Davis was partly to blame for the county's predicament, because the county's tax revenues would grow more rapidly if the city allowed more development. On the horizon was a potential answer to their prayers: a major development that could be built on unincorporated land, so the county would not have to share new tax revenues with a city. At the time, experts often clashed over whether new development actually was a boon to local governments, once the cost of expanding services was weighed against expected increases in tax revenue. Residential development was particularly iffy, but experts tended to agree that a project heavy with industrial or commercial land could be advantageous.

In the spring of 1986, Davis debated whether to approve Davis Technology Center, the 94-acre project located within the city's sphere of influence. Ramos needed the city to approve an annexation request and to change the site's designation on the Davis General Plan land-use map from agricultural reserve to industrial. "The project sponsors propose to construct over a period of years a series of quality facilities for the housing of appropriate technology firms. The intent is to provide a campus-like atmosphere, with distinctive architectural style and innovative site planning," developers explained in a project description. [2] They emphasized the project could lure high-technology firms wanting to be near UCD and would provide badly needed jobs for local residents with technical expertise. Ramos estimated the 94-acre project would create about 3,000 permanent jobs and add about \$1 million to city coffers annually through property, sales and other taxes. In the project description, Ramos and his partners noted that the city was reviewing only the 94-acre project, not the entire master plan. "Since the project, as presently envisioned, involves no residential construction, there is no conflict with the city's goal of 50,000 residents within the Davis urban area by the year 2000. Provision of residential uses on the north end of the project may be desired by some as a buffer to the Davis Manor subdivision," they said referring to the existing residential neighborhood located north of the 94-acre site. "However, the project sponsors do not believe this inclusion of residential zoning is desirable or necessary at this time." [3] In a March 1986 letter to Davis Planning Director Tom Lumbrazo, Michael A. Hackard, an attorney for the developers, noted that only the 94-acre project was before the city for consideration. "Because land adjacent to the project site is also owned by the project applicants, the planning department required the possible future uses to be assessed in the environmental impact report," he wrote. "It should be emphasized, however, that there are no proposals now being considered by the city for anything other than the 94 acres campus research park site." [4]

Such arguments, though, weren't convincing to some Davis residents, who couldn't get the other 434 acres of their minds. Adding to their anxiety was the environmental impact report prepared by Jones & Stokes Associates Inc. of Sacramento, which at the city's behest looked at the entire master plan area, rather than just the 94 acres. The EIR confirmed what many Davis residents already suspected: the community would have a hard time meeting its population goals if the master plan was built out. It estimated the project would add 3,340 residents to the city, more than half of the growth still available before the city would reach its anticipated General Plan buildout population of 53,540. At the time, California Department of Finance estimates pegged the urban area's population at slightly more than 47,000 people, including almost 41,000 within the city limits and more than 6,000 in unincorporated urban areas such as El Macero and the Binning Tract. Explained the EIR, "Taking into account the estimated indirect population generation of the proposed project, construction of the project in the near term would result in the city's population objective being

severely exceeded." [5] The population analysis contained another conclusion that was certain to alarm city slow-growth advocates. "One additional impact of the project is the potential for inducing development of other properties currently located outside the city limits, thereby further increasing the Davis area population," it said. [6]

Two citizen groups left no doubt about their views in an eight-page letter responding to the draft EIR. "In conclusion, we, the Citizens for the General Plan and the members of the East Davis Neighborhood Committee, are completely opposed to the Campus Research Park proposal," their letter said. "The proposal clearly violates county and regional planning and totally ignores the principles of the Davis General Plan." [7] The draft EIR included an estimate that couldn't help but alarm slow-growth advocates: the master plan would not only add about 3,320 people directly, but could also add thousands more to the area indirectly, because of new off-site jobs that would be created to serve on-site employers and employees. Other responses to the draft EIR raised apprehensions about the project. In a December, 1986 letter, for instance, the California Department of Transportation indicated the project could require widening the Mace Interchange, preferably to five lanes. The letter said the improvements would have to rely solely on local funding, saying no state money would be available. [8]

After public hearings during the spring of 1986, the city rejected the 94-acre project decisively. On May 13, the Planning Commission voted 7-0 against an annexation request, preliminary development plans and recommended changes to the General Plan land-use map, giving several reasons: no need for the project had been demonstrated, it was contrary to city growth and farmland-preservation regulations, and the project might be better suited for a site somewhere else in the county. Ramos appealed the decision to the council, which voted 5-0 on May 21, 1986, to follow the commission's lead and reject the project. "It should be stressed that, while the EIR was certified, the document shows that there would be significant impacts in the area of land use, population, employment and transportation for which there are no feasible mitigation measures," Mayor Rosenberg explained in a July 1986 letter to county Supervisor Bob Black, noting that Ramos did not give the city a plan for reducing those impacts. [9] Rosenberg also emphasized the city rejected the industrial part of the project without prejudice, so Ramos could submit an application for that part at any time. "If this finding was not made, the applicant would have to wait at least a year to submit a new application, or, if a new application was submitted within the year, the Planning Commission would have to find that the new application is substantially different than the one denied," Rosenberg explained. [10]

The city's idea was to have Ramos return with an industrial park proposal for the southern 33 acres of the 94-acre site. During the meeting, council members emphasize they weren't committing the city to approving the smaller project, saying Ramos would have to demonstrate the city needed more industrially zoned land and the project would be a financial boon, rather than boondoggle for the city. To Councilman Jerry Adler, the idea had merit for two reasons: the site seemed appropriate for industrial uses because it was located next to a steel plant, trucking company and greenhouses and the city's willingness to consider a smaller version of the project could help thwart any move by Ramos to approach the county and argue he was being treated unfairly by the city. "That, I think, is a very significant point," Adler said the day following the meeting. [11] Project Manager Larry Asera sought to ease the city's concerns that the project would end in the hands of county officials. "I have no directive to take this project to the county," he said, responding to a question from Rosenberg. "If the city turns us down, we'll try again." [12] Afterward, Asera questioned the city about how fast it could review the smaller version. City Planning Director Tom Lumbrazo responded in a July 14 letter, outlining a timeline that would take about three months.

Already, though, the city's opportunity to use the 33-acre proposal as a bargaining chip was slipping away. Circumstances were changing rapidly, and Ramos saw no point in continuing to bargain with the city, as Asera noted in a July 18 letter responding to Lumbrazo. "Since the city's denial of our application for development of the 94-acre Campus Research Park project on May 21, 1986, several events have occurred

which would make reapplication to the city both an exercise in futility and a waste of resources," Asera wrote, nonetheless thanking Lumbrazo for the suggestion that Ramos file an application for the 33-acre project. Asera added that the time had come for Ramos to take his remaining 434 acres to the county for review, noting the county was bound to be interested because its revenue base was shrinking because of West Sacramento's decision to incorporate as a city. "The county needs development, especially development such as that which we propose, which will provide substantial revenue to the county," Asera concluded. [13]

He pointed specifically to three events that called into question the community's willingness to accept new growth, including the 33-acre project. The most significant occurred on June 3, when approximately 56 percent of the city's voters cast ballots in favor of Measure L, an initiative sponsored by Citizens for the General Plan. The measure was advisory, and thus would not bind the hands of council members or county supervisors in the dispute over Mace Ranch. Still, the council could hardly ignore the underlying message: voters wanted Davis to stay on a slow-growth course. "Should the following advisory statement of growth policy be adopted?" Measure L asked, advising city and county representatives to heed three principles:

- Davis should grow as slowly as it legally could;
- Future growth should be concentrated on lands already within the city limits and additional annexations should be discouraged; and
- The county should not approve development on the periphery of Davis unless the city gives its stamp of approval by ruling it consistent with the Davis General Plan. Measure L included several findings, including the beliefs that "the prime agricultural land surrounding Davis is a resource of local, state and national importance" and "the growth of Davis is an issue best determined by Davis citizens without outside pressure or influence."

The second event was voter approval of Measure S, a city initiative on the same ballot that didn't deal directly with Campus Research Park, but strengthened the conviction that voters were in a slow-growth mood. The measure was sponsored by a group known as Save Open Space that included former Mayor Maynard Skinner among its leaders and gained the support of almost 58 percent of the voters. The measure's passage derailed the city's plans for having an 85,000-square-foot shopping center built on the Arden-Mayfair Lot, vacant, city-owned land north of Third Street between B and C streets. The lot was used as a parking lot at the time, and Central Park covered only the block just north of the lot. Measure S was an ordinance requiring the city to extend Central Park southward across the lot, with the understanding that up to one-third of the lot could be used for parking and public buildings. In the same election, Councilwoman Ann Evans was re-elected to a second term and Mike Corbett was elected to the council. Both were outspoken champions of slow growth, as was Rosenberg, who the council chose to serve as mayor. In his letter, Asera cited the council's choice of Rosenberg to be mayor as the third event that caused Ramos to reassess his plans. "One cannot deny that growth in this part of the county will occur," Asera concluded. "Growth is not only inevitable, but essential in light of Yolo County's financial needs. If approved, our project will help to satisfy those needs." [14]

A fiscal-impact report prepared for Ramos by Ralph Andersen & Associates estimated, at build-out, Mace Ranch would generate an annual revenue surplus of more than \$1.75 million in 1986-87 dollars for the county if the project was developed outside of the city and the county had responsibility for providing services to the area. The report said the surplus would be even larger if some services were financed through assessment districts. As it noted, the report analyzed only estimated ongoing revenues and service costs for the county, and did not attempt to gauge fiscal impacts on the city, the Davis Joint Unified School District and local special districts.

Even before the Asera letter went out, Ramos began declaring his intent to approach the county, and Davis was sending an olive branch to the county, while saying it was willing to fight if necessary. At a meeting on July 16, 1986, council members voted unanimously to adopt a largely symbolic resolution saying the city

would consider the needs of the county and university in its planning process, indicating the council was simply reaffirming long-standing city policies. They also agreed the city should undertake a comprehensive review of the Davis General Plan over the next year, and made public some of the events that led Ramos to try his luck with the county. Adler, for example, reported county intermediaries approached the council, detailing plans for an industrial research park generally in keeping with the city's size preferences. According to Adler, both the county and developers wanted a clear signal from council members that they would approve the project after it had gone through the review process. The council considered the proposal briefly during an executive session because it involved possible litigation, but decided it couldn't give the desired signal. At the time, Asera acknowledged that the county may have approached the city, but emphasized it was not acting on behalf of the Ramos group.

In a September 1986 letter to Supervisor Black, Mayor Rosenberg sought to counter attacks on the city's growth-control policies. "Some persons, both on and off the Yolo County Board of Supervisors, have from time to time suggested that Davis is a no-growth community," Rosenberg wrote, emphasizing that Davis grew faster than other cities and the county as a whole between 1970-86. [15] During that period, Davis saw its population grow by 74.3 percent, giving it an average annual rate of 3.59 percent. Woodland's population grew by 64.9 percent, or 3.23 percent per year, while Winters was growing 37.7 percent, or 2.05 percent per year. "By any calculation, Davis is hardly a no-growth community, and it has certainly accepted more than its fair share of growth in Yolo County," Rosenberg concluded, saying its growth-control policies allowed the community to temper outside pressures that otherwise would have forced the city to grow too rapidly. [16]

Ramos filed an application for the remaining 434 acres with the county in August 1986, naming the project Mace Ranch Park and making some major changes to the master plan. The research and development park remained, and was to cover nearly 160 acres. The amount of land set aside for housing increased from 146 to 180 acres, including 93 for standard single-family houses, 45 for single-family clustered houses and 42 for apartments. The hotel stayed in the plans, but its share of the site dropped from 28 to 8 acres. Nearly 47 acres of commercial uses were added to the project, along with 10 acres of park land. The conference and cultural center, winery, and energy cooperative disappeared from the master plan.

The city had little choice but to seek a compromise agreement that would allow Ramos to build his project, but ensure it was annexed to the city. Rosenberg recalled that two questions were critical to him: By refusing to extend city services to the site, could the city thwart any move by the county to approve the project? Could Davis successfully challenge county approval in the courts? Tom Lumbrazo, the city's planning director at the time, raised the first issue in a December 1986 letter to the county, saying the council wanted the county's EIR to address what alternatives would be available if the city declined to provide sewage, water, fire-protection and other services to the site. Rosenberg said that threat lost its appeal to him after the Davis Public Works Department responded to his inquiries by saying Ramos could afford to build a sewage-treatment plant if he couldn't use city facilities. Relying on such a threat also was risky because it could backfire. Forcing Ramos to build his own waste-treatment plant, for example, would increase the cost of the project significantly, but a new plant with leftover capacity could promote additional development outside of the city's borders. Responding to the second question, the city's attorneys told Rosenberg that Davis could delay, but not stop the project by challenging county approval in the courts. "It was going to happen either in the county or the city," Rosenberg said, explaining his decision to seek a compromise to ensure Mace Ranch was developed in the city. "That decision was easy for me."

Slowly, but surely, Ramos, the city and county worked during the following months to defuse the crisis. After intense, behind-the-scenes negotiations, the city, county and Mace Ranch Investors agreed to a settlement that gained the council's backing on a unanimous vote at a meeting on May 20, 1987. Councilwoman Debbie Nichols-Poulos presented the details: Ramos was to submit a master-plan application to the city, county officials were to delay certifying an EIR on the 434-acre project still before them, Davis was to revise its General Plan by Dec. 31, 1987, and Ramos was to work with the city on drafting the East Davis Specific Plan,

a blueprint for development of Mace Ranch and nearby properties. Everyone understood that if the city did not proceed in good faith, the county could step in and regain control of the project. On Sept. 1, 1987, John P. Yeager, an attorney for Ramos, announced in a hand-delivered letter to city officials that an application for Mace Ranch would be submitted to Davis. The letter indicated, though, that Ramos remained leery, saying the application did not imply his consent to annexation and that Mace Ranch Investors retained the right to fight annexation if necessary. [17]

Now that it had an accord on how to handle the Ramos project, Davis needed a strategy for avoiding similar predicaments in the future. Its solution was an historic accord with the county reached in November 1987. Known as the Davis-Yolo Pass-Through Agreement, the accord is based on a simple principle: the county can approve urban development near Davis if it wants to, but it's going to take a big hit financially if it does. County officials kept their legal authority to decide whether unincorporated lands near Davis should be developed or not, but the practical impact has been to give the city control of a planning area that stretches from County Road 27 on the north, the Yolo Bypass on the east, County Road 35 and the Interstate 80 interchange at Pedrick Road on the south and County Road 97D on the west. The planning area covers about 84 square miles of territory, including the seven square miles of land located within the city limits at the time.

The city's ace up its sleeve was its plans for setting up a redevelopment agency for the downtown area and South Davis to raise revenue for a host of major traffic projects, including construction of a new freeway overpass across Interstate 80 and widening of the Mace Boulevard interchange. Typically, a city's redevelopment agency gets money by claiming a large share of property tax revenue created by new developments in redevelopment areas, siphoning off funds that otherwise would go to the city general fund, county and other local government agencies. In the agreement with Yolo County, Davis agreed to pass along to the county and a local library district tax revenue that normally could be claimed by the city's redevelopment agency. Rosenberg emphasized the county retained its authority to determine whether projects proposed for land located outside the city's sphere of influence should be approved or not. The pass-through deal would last, however, only as long as the county did not approve urban development over any city objections. Informal procedures were worked out for the county to notify the city when projects were proposed for unincorporated lands located within the Davis planning area and for the city to notify the county whether the projects are considered to be urban development.

As part of its agreement with the county, Davis was given until June 30, 1988, to enter into a development agreement with Mace Ranch Investors or submit to the county a development agreement city officials were willing to approve that was consistent with the East Davis Specific Plan. In the latter case, the county would have to rule whether the terms were reasonable. Ironically, at about the same time the city and county were agreeing to terms of the pass-through agreement, an attorney for Ramos was sending the council a letter demonstrating that many obstacles remained. In the Nov. 18 letter, Bill Holliman raised a long list of concerns about the East Davis Specific Plan, including phasing of Mace Ranch, the fees and exactions facing Ramos, the amount of parkland provided in the plan and proposed park fees. [18] A summary of the Holliman letter was part of a long chronology of written communications and meetings cited by Corbett in an October 1988 letter sent to give the county an update on the city's efforts to negotiate a development agreement with Ramos.

The chronology also cited a marathon council meeting that lasted until 2 a.m. on Dec. 23, 1987, where the council adopted the East Davis Specific Plan and a General Plan that envisioned the community's population growing to 75,000 by the year 2010. During the meeting, the council also voted 3-2 with Nichols-Poulos and Adler dissenting to locate a new freeway overpass at Pole Line Road, rather than County Road 103. Nichols-Poulos favored placing it somewhere in the vicinity of Road 103 and Adler supported a third site. Said Rosenberg of the new General Plan, "It's a good vision for the future. The city can be proud of it." Almost immediately, however, critics appeared, complaining that the city's new blueprint for the future was forced

on the city by Ramos and was drafted without adequate public input. Among the most controversial features was a decision to include several major housing projects other than Mace Ranch in the General Plan for possible development by 2010, including Aspen and Evergreen in West Davis and Northstar, Crossroads and Wildhorse in North Davis. Still, the plan provided for an annual growth rate of only about 2 percent.

In January 1988, the city sent a draft development agreement to Ramos. The conflict wasn't over yet, though. On March 9, Holliman sent the city a letter chastising it for not moving quickly enough, saying Ramos was still awaiting estimated costs for offsite infrastructure, development fees and exactions. "It is imperative that we experience no further delays and that the related processes discussed in this letter be completed expeditiously," Holliman said. [18] Two months later, Bill Owen, one of the city's attorneys, sent the council a memo warning that Holliman was convinced the city was asking too much of developers. "He states that the figures which have been given to MRI by the city reflect development costs of \$32 million," Owen wrote, indicating Holliman thought that was about \$15 million too high. [19] Holliman blamed about \$10 million on excessive demands for amenities such as parks and greenbelts. Still, Owen had some encouraging news: Holliman now was saying the fate of the development agreement had been narrowed to three issues: overall costs, the cost of a low-cost housing proposal made by Corbett, and phasing. Ramos and Rosenberg said the meetings were cordial, not confrontational. The Davis councilman, though, recalled an underlying tension and the frenzied pace as city officials sought to hammer out an agreement with the county and Mace Ranch Investors, pointing out that the city had a host of time-consuming tasks to complete: revamp the Davis General Plan, draft the East Davis Specific Plan, negotiate a development agreement with Ramos, set up the redevelopment agency and draw up its plans, establish a special assessment district to help finance public projects in the area, and expand the city's sphere of influence.

Two of the most sensitive tasks were deciding how fast Ramos could build his housing and whether a phasing plan should be set up by the city for industrial development and other non-residential parts of the project. The first was sensitive because of the city's slow-growth policies, and its habit of holding a housing allocation every couple of years or so, where developers would present their plans, the city would decide how many new houses were needed and city officials then would distribute the houses among developers. A new era was about to be ushered in, however, because the development agreement would commit the city in advance to allocating a specified number of houses and apartments annually for Mace Ranch. The city wanted to keep the total as low as possible to help keep a lid on growth and ensure a reasonable amount of housing was left over for other homebuilders. Ramos naturally wanted the number to be as high as possible, and needed it to be high enough to make financing the project's infrastructure costs feasible. At an August, 1988 meeting cited in Corbett's chronology of events, Mace Ranch Investors indicated it wanted a guaranteed allocation of 150 units per year. Corbett, the mayor at the time, stated the city's thinking in the letter that accompanied the chronology, telling the county, "Our initial review of phasing has resulted in a tentative determination that the rate of residential development of the MRI project should be in the range of 75 to 170 dwelling units per year." [20] Corbett noted the city was awaiting more detailed information from Ramos on his project's anticipated infrastructure costs.

The lack of a consensus on the issue was readily apparent when it came to the council for a decision on Oct. 24, 1988. Holliman, the attorney for developers, noted that Ramos initially proposed 150 per year, but recently had discussed 122 units per year with a subcommittee of council members. Later in the meeting, council members got their chance to debate the issue. Councilman Gerry Adler proposed 122 houses and apartments per year, Maynard Skinner suggested 110, and Evans added that 75 should be enough. Rosenberg argued for 105 and Corbett came out in favor of 95. Rosenberg then made a motion to approve 105, but lost on a 2-3 vote, gaining only Adler's support. Corbett moved 95, but failed to get a second. Skinner moved 110, but he lost 2-3, winning support from Adler. Skinner then joined forces with Rosenberg and Adler on a 3-2 vote in favor of 105 units per year.

Next, the council tackled a second thorny issue: whether the city should require phasing of office, industrial

and business park development in Mace Ranch "We cannot, and will not, accept any arbitrary restrictions upon the rate of development of the non-residential portions of Mace Ranch Park," Holliman said in a Oct. 12 letter to the city. "Such restrictions seriously restrict the landowner's ability to market these portions of the property to large-scale users. Moreover, such restrictions are unprecedented in the city and have not been applied to business park developments in the vicinity of Mace Ranch Park." [21] Nonetheless, at the Oct. 24 meeting, the council voted 4-1 with Skinner dissenting to approve a phasing plan that would allow 50 percent of the office, industrial and business park development to occur during the first five years of the development agreement, 25 percent during the second five years and the remaining 25 percent in the following five-year period. Afterward, council members voted unanimously to declare that terms in a draft development agreement and preannexation agreement were acceptable to the city and should be sent to the county so it could determine whether the terms were reasonable. In the end, the non-residential phasing stayed in the development agreement, even though Ramos didn't like it.

Mace Ranch still had one obstacle to hurdle. Opponents of the project launched a drive to put the development agreement and a rezoning application before city voters. "The approval of the development agreement with Ramos is a litmus test that will be used by the citizens of Davis to see how serious public representatives are in carrying out the wishes as expressed in Measure L," said William and Peri Drips, two leaders of the drive, in a letter to the city. "It is not in the public interest to bow to special-interest pressure and approve projects or take actions that conflict with expressed concerns of the citizens of Davis." [22] The drive succeeded in putting both issues on the ballot, but 63.6 percent of the electorate ratified the rezoning by voting for Measure P and 60.1 percent voted to approve the development agreement by casting ballots for Measure Q.

Looking back, Rosenberg said he believes the city did what it had to do during the crisis. "We did the best we could under the circumstances," he said, indicating he remains convinced the 1987 General Plan was a solid blueprint for the city's future, noting that it provided for completing development of South Davis. Ramos, on the other hand, isn't necessarily content about how things turned out, realizing the project likely would have been much cheaper to build under county control. The city demanded too much parkland, he said. It required Mace Ranch to meet the water drainage needs for much of East Davis. It required Ramos to pay for improving much of Second Street. And, it convinced him to pay for 34 percent of the improvements proposed for the Mace freeway interchange. Still, his agreement with the city brought to an end a costly battle that could have delayed construction of Mace Ranch for years.

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*Growing Pains:
Thirty Years in the
History of Davis*

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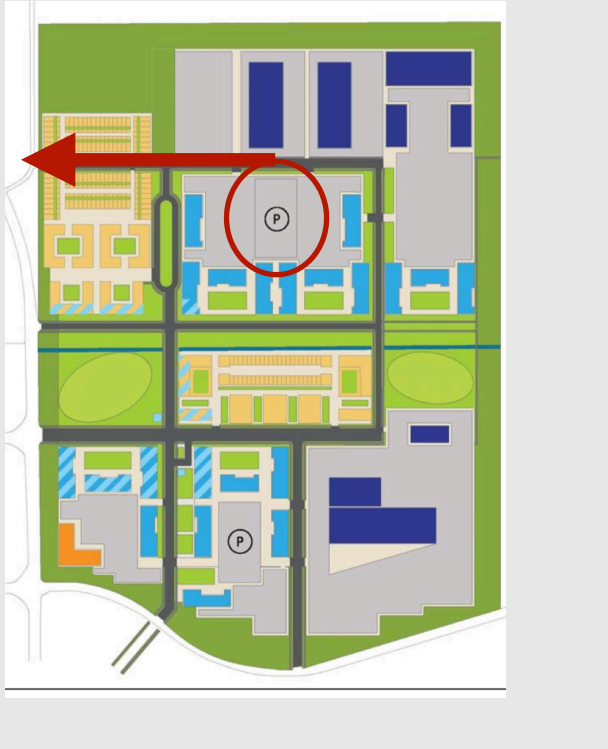

ARC Comments

Please accept the below comment submitted by Colin Walsh
colintm@gmail.com

Traffic

There are differences in the ARC Project Description from the MRIC Mixed-use alternative that must be considered in new traffic analysis as part of the SEIR.

More traffic will flow to road 32A in the new project.

MRIC Mixed Use Alternative	ARC
	
Parking has more direct access to Mace	Straightened Eastern road and parking closer to CR32A will change traffic patterns.

The parking lots have moved closer to road 32A

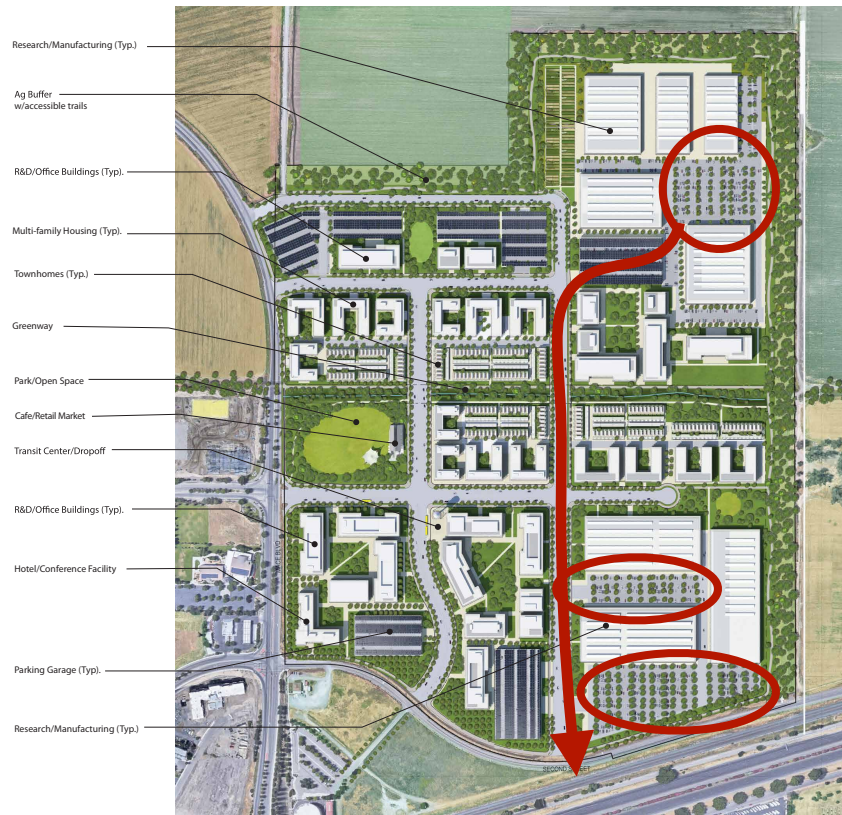
The Eastern most road as shown in the developers materials has been straightened providing a direct link for parking to road 32A.

Road 32A's connection to Mace Blvd must be reconsidered. This is close to the overpass and directly across from second street which already backs up. An influx of cars from the newly located parking lots will distinctly change traffic patterns from what was considered in MRIC Mixed-use alternative.

Routing of additional traffic to road 32A east of ARC will also have distinct new traffic patterns different from what was considered in the MRIC Mixed-use development. This

traffic will compete more with the only bike route to and from Sacramento on a narrow 2 lane road. This will discourage bikers from using this route and possibly biking at all since there will now be no safe route. These bikers will likely drive instead and that additional I80 traffic must be considered.

Further, the relocation of the parking lots may encourage more drivers to rout to the on and off ramps immediately adjacent to the causeway causing more back ups there. This is different from what was considered in the MRIC mixed-use project and must be considered.



In the new exhibit released on December 9th (the day comments were due for the SEIR) titled 2019-12-09-ARC-Site Illustrative we see more detail on parking lots. These additional lots continue in the same pattern with easier access to road 32a.

Additional traffic on road 32A will interfere with garbage trucks going to the Yolo County Landfill. The additional travel time and use of fossil fuels in delivering trash to the landfill will also need to be considered.

This heavier use of 32A with no plans for a redesign are very problematic and the cumulative impacts of increased 32A with increased traffic must be considered.

CR 32A Closure

At the Dec. 3 scoping meeting a representative of the developer stated that it was likely that CR 32A would be closed. This possibility was not considered in the MRIC analysis or the mixed use alternative. This possibility needs to be considered in the analysis.

This could lead to rerouting of garbage trucks to Mace Blvd as they come over the causeway and head to the Yolo landfill. It could also lead to agricultural vehicles rerouting to Mace Blvd. This additional traffic will have a cumulative effect and must be considered as it mixes with the new ARC traffic.

Additionally, since the MRIC EIR was done, Road 32A has come to be a popular alternative to interstate 80 and has much heavier traffic than before. The rerouting of this traffic will need to be considered in the new analysis

Residential parking on Dec 9 Site plan

(2019-12-09-ARC-Site Illustrative)



This new site plan shows no parking for any of the residential units. Other images produced by the developer on the same day like [ARC Ground View Rendering Exhibit](#) show these buildings may be 5 stories tall.



Given these apartments are freeway adjacent without easy access to a grocery store not including parking is an extremely impractical and unlikely design. The EIR must assume that these residents will have and drive cars and the traffic analysis needs to be done based on their use of cars despite the developers omission of parking. One change in the ARC project from the MRIC project is a reduction in parking, but we now see that this reduction in parking is unrealistic, and the higher amount of parking cars and drivers in the original MRIC plan must be assumed.

Rideshare Traffic

The ARC proposal contemplates and encourages ride share services such as Uber and Lyft servicing the the transit plaza. “a convenient drop-off/pick-up zone for rideshare services such as Uber and Lyft.” With less parking than would be typically found at similar business parks, it is likely these services will be a necessity. Because over all parking has been reduced from 6,032 spaces as stated in the 2019-11-27-Parking-Comparison-Table-ARC-MRIC document to 4,340 parking spaces this is a significant change in the need for ride shares from what was considered in the MRIC Mixed-use analysis. At the same time the project has actually add +100,000 SF of office space according to the developers table 2019-11-27-Land-Use-Comparison-Table-ARC-MRIC.pdf as compared with what is actually in the MRIC documents.

The full traffic impact of Rideshare services must be considered. Because a car travels to and from the destination as opposed to a traditional car that only travels in one direction typically, arriving in the morning, and departing in the evening, the ride share cars produce twice the trips. This doubling of trips must be considered in GHG emissions and must be considered in traffic studies.

Parking and additional cars

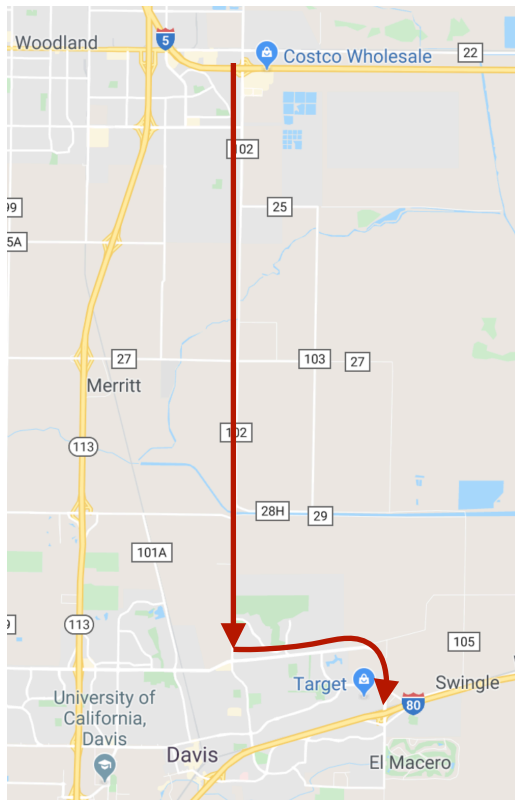
The project description states, “The Project applicant proposes creation of a parking reservoir to allow the allotted 3,490 nonresidential parking stalls to be distributed throughout the Project site as needed, rather than strict parking ratios being applied at the issuance of each building permit based upon use type.” this approach avoids applying City of Davis parking minimums for each building. Since the City minimums are based on anticipate use, and there is no comprehensive traffic plan offered by the developer for analysis in the EIR process, the EIR consultants and traffic consultants must consider the higher number of cars likely based on City minimums and industry standards. This number is likely closer to 9,000 parking spaces and associated trips pre day. This was not considered in the MRIC EIR.

The project development contemplates fewer cars and car trips being needed do to the onsite housing, “the demand for parking will be reduced in the future as the following occur: critical mass of employees is achieved on-site; the on-site jobs/housing balance is realized.” But the developer has put forward no mechanism for how the housing will be reserved for employees. Indeed fair housing laws would seem to prohibit the

developer setting aside the housing for ARC employees only. With no plan for how this jobs housing balance could be achieved it can not be considered in the analysis. Or the very least the project must be analyzed with few employees living in the onsite housing and the housing rented on the open market. This is specifically different than what was analyzed in the MRIC mixed use alternative and therefore must be analyzed.

The housing is parked at very low percentages. With fewer parking spaces than in the City minimums. This is impractical for a freeway adjacent business park/housing development. The developer offers no evidence or plan that would justify the low amount of parking. Analysis of car trips needs to be based on higher numbers to understand the true impact of this project. This is very different from the MRIC Mixed-use alternative that assumes fewer cars will be needed because a very high percentage of people living in the project will work in the project.

Woodland Impacts on Traffic.



Several new projects are planned along road 102 in Woodland. The cumulative new traffic from these projects must be considered in the SEIR. This projects were not considered in the MRIC EIR and several of them have been approved since the MRIC EIR was certified. This additional development is a change since the MRIC EIR. The route illustrated in this map shows the quickest route to 80 from road 102 Woodland.

What happens in this part of Woodland effects Davis and Davis traffic. For example. Petrovich Development reports that 41% of the Costco store members at their woodland Gateway location are from Davis

Woodland Commerce Center: Located at the northwest corner of East Main Street and County Road 102, the project involves the annexation for 146-acre site with a general plan land designation of Industrial and pre-zoned Industrial.

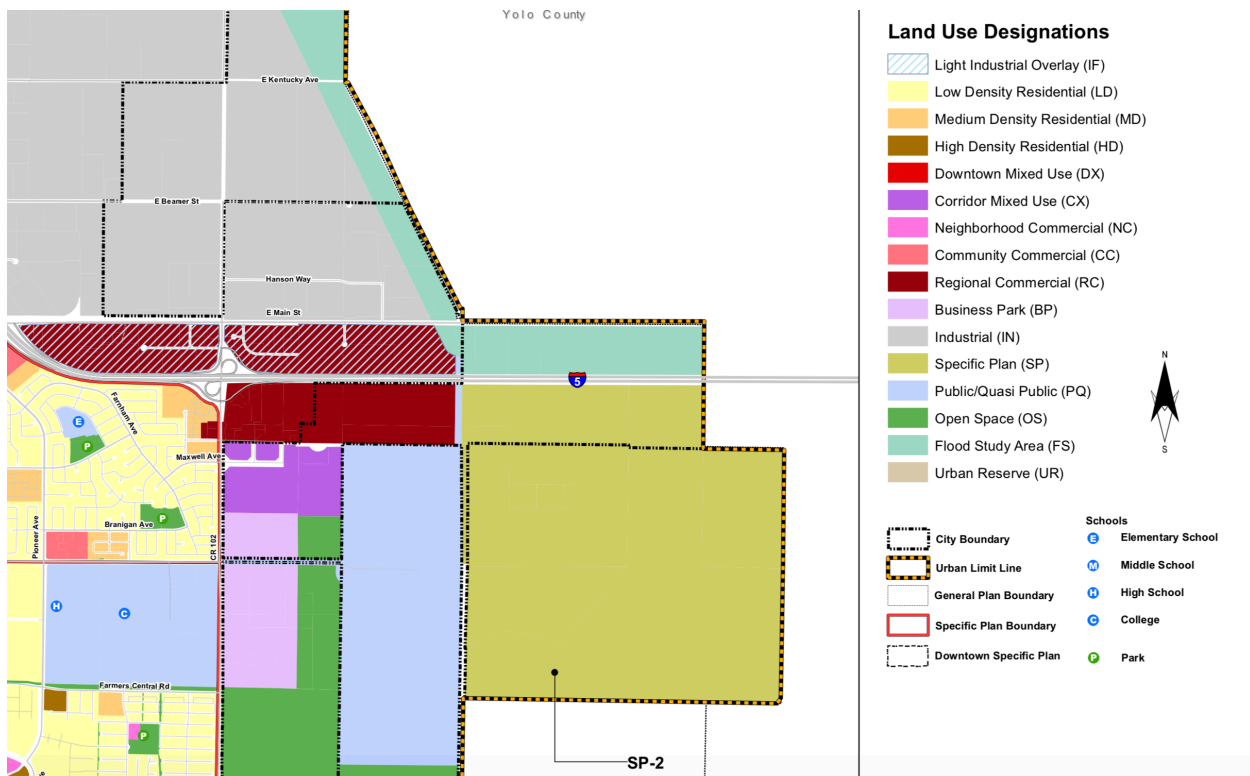
Kentucky Ave Industrial Logistics/Distribution Project: Located at the northwest corner of Kentucky Avenue and CR-102, the project is for future development of a 150-acre Industrial site.

Solara Ranch Subdivision, Spring Lake: 19.23 acres (94 residential lots) within the R-5 zone of the Spring Lake Planning Area.

Gateway II project in woodland must also be considered

The woodland general plan sets out Policy 3.A.15 to designate County Road 102, north of I-5, as a State Highway. Coordinate with Caltrans to consider including County road 102 north of I-5 as part of the state highway system. This could result in more traffic on the Mace, coeval 102 connection to I80 and must be analyzed. It is a change since the MRIC EIR was certified.

The Woodland General plan designates large new areas by road 102 as regional commercial, corridor mixed use, industrial, business park and specific plan. These large areas that are being opened to development is a change since the MRIC EIR was certified. These large new uses will have a compounding effect on regional traffic and a specific effect at Mace Blvd. these changes must be considered in the SEIR.



The Woodland general plan sets out Policy 2.D.3 “technology Sector. Grow the technology sector in Woodland by leveraging the research strength at UC Davis. Establish business parks in the Southern Gateway at CR 25 and SR 113 and along CR 102. Encourage smaller companies and start-ups to locate in incubator spaces Downtown and in areas with the Light Industrial Overlay designation.” This type of development will generate more traffic on Road 102 and have a cumulative impact on Mace Blvd. This policy is new since the approval of the MRIC EIR and therefore must be considered in the SEIR.

The City of Woodland general plan sets out Goal 2.I “Mixed-Use Corridors. Create memorable and engaging retail, residential, and mixed -use places along Main Street, East Street, Kentucky Avenue, and CR 102.” This is new site the approval of the MRIC

EIR. The cumulative impact of Woodland's increased development along road 102 must be considered in the SEIR for ARC.

Woodland general plan Policy 2.1.9 Cr 102. "Develop CR 102 south of East Main Street as an attractive corridor with a mix of commercial, office, and residential uses that support employment growth targets. Incorporate new job- generating uses into the corridor, including medical services, offices, and business park development." This policy is new since the approval of the MRIC EIR and must be considered as a change in circumstance. ARC is in a direct route from this new development area to Interstate 80. The cumulative impact of traffic on Mace must be considered.

The CR 102 corridors is one of Woodlands, "Focus Areas for Economic Growth" as stated in the general plan which was approved since the certification of the MRIC EIR. This is a new circumstance and must be considered in assessing the cumulative traffic impacts on Ice Blvd around the ARC project.

Telecommuting

At the Dec 2 Scoping meeting the developers attorney stated that one of the ways the project was able to have so little parking was that so many people telecommute now. While it is true that telecommuting has become more popular and widely used, it has also had specific impacts on the work place. As a result of telecommuting companies are now offering less space to their workers, using shared space and hoteling options for workers who only occasionally come to the office. As a result, companies can use less space per worker. This negates any benefit to traffic from telecommuting for this project. New companies will rent smaller spaces to account for telecommuters diminished presence in the office, thus more companies and more overall workers will work from the ARC office space. This is a changed circumstance since the MRIC EIR and must be considered. Additionally, the new ARC plans including language allowing for industrial and manufacturing spaces to be converted to office space if not filled. This is a change and also needs to be considered.

Aggie Square

The newlsey announce Aggie Square innovation park must be considered. On December 20,2017 UC Davis Chancellor May with Sacramento Mayor Darrell Steinberg announced the Aggie Square Innovation Center project. Aggie Square was announced after the MRIC economic feasibility study and after the MRIC EIR. The effects of Aggie Square on the ARC project must be considered.

The UCDavis website reports:

Located on the UC Davis Sacramento Campus, Aggie Square will house business partners and community-based programs with UC Davis innovation and research to create a stronger and healthier shared community.

Aggie Square will create a unique live/learn/work/play environment to foster collaboration and creativity. Entrepreneurs, companies and workers can thrive

in our technology campus that values inclusion and creates chance encounters among creative people.

The campus will feature state-of-the-art research facilities, modern office and mixed-use space, world-class amenities and a dynamic, thriving community. <https://leadership.ucdavis.edu/aggie-square/about>

This very closely matches the language in the first paragraph of the ARC project description:

Aggie Research Campus – Overview

The Aggie Research Campus is an innovation center that offers a live/work environment through a comprehensive sustainable site design and broad array of complementary land uses. The Campus features office, research & development, laboratory, prototyping, advanced manufacturing, recreation, open space, and housing, all in one compact location. This mix of uses will serve to attract new economy incubators, entice UCD-spawned businesses seeking a growth location, and provide large-scale locational opportunities for well established companies, particularly those with research ties to the University.

The ARC has no actual UCD involvement. The developers attorney reported to me at the scoping meeting on Dec 2 that the developer had yet to entice UCD to participate in the project, despite having offered UCD half a free floor in the first building built. With ARC pinning its hopes on UCD's involvement, but UCD clearly focused on their own innovation center project it seems unlikely that ARC will be able to attract the businesses they project. This must be considered in the SEIR.

In addition to Aggie Square, the Woodland innovation center also has the same goal. It is beyond unlikely that UCD will spawn 3 new innovation parks. The park most likely to succeed will be the park with the closest ties to UCD, Aggie Square.

ARC will have a massive environmental impact, and without UCD's partnership, it will not have any of the payout it promises. Importantly, it will not have the resources to undertake any environmental mitigations and so the impact of that too must be considered.

All Housing Alternative

With open ended zoning that would allow for several forms of housing, an additional study should be considered for an all housing alternative.

Housing demand is much higher in the area than is commercial and industrial uses, so the EIR should consider that the developer may adjust the project to be an all, or mostly housing project. Commencing study at this time on an all or mostly housing alternative will provide greater understanding of the impacts of such a project. Given the developers history of offering a business park and actually building housing as can

be seen at this link <https://www.cityofdavis.org/about-davis/history-symbols/davis-history-books/growing-pains-chapter-6>. This past history must be considered as part of the SEIR. I have included the referenced link for consideration.

Ag land mitigation

The MRIC mixed use alternative states under City objectives, “Mitigate with agricultural land on a 2 to 1 acre basis.” The MRIC GP update states, “Policy LU S.2 An Innovation Technology Center shall mitigate for the loss of agricultural land by preserving no less than 2 acres of agricultural land for every 1 acre developed.” But the ARC project description makes no mention of ag land mitigation. And the ARC General plan update removes the Ag mitigation language. These are specific changes to the project that have happened since the MRIC EIR and must be considered. The loss of class 1 farmland without mitigation is very significant impact, and with all mitigation language absent from the project the impact must be analyzed.

Further, the Yolo county ag land mitigation policy requires a 3/1 mitigation. Because there is better mitigation as county land, an alternative for the project must be considered under county mitigation.

Renewable Energy Generation and Storage

Renewable energy and storage has been added as a use in the ARC PPD. This is a significant change from the MRIC EIR and must be evaluated in the SEIR. Renewable energy generation and storage facilities were not contemplated as allowed use of any part of the development in the previous development or the MRI Mixed-use alternative. The AARC project description is vague on this with no real mention. The EIR needs to be updated to consider many variations of energy generation on this location.



This photo was provided by the MRIC developer to the Davis Enterprise and was published on the front page April 14, 2016. This photo shows wind turbines on the north east corner of the development. These Wind turbines appear to be placed in the required ag buffer. This is evidence of the developers intention to have a wind energy generation facility at the new ARC project.

This placement of wind turbines in the ag buffer needs to be evaluated in the new EIR analysis.



Wind turbines can be compatible with some ag uses, but placing them in the Ag buffer is outside of what would be normal for City of Davis Ag buffers. Placing these turbines on the edge of the project will increase their impacts on adjacent habitat. This placement must be considered in the EIR.

Wind turbine impacts are coming to be well known with bird and bat strikes front and center. Considering there are 2 bird species and 1 bat species that are both species of special concern at or near the ARC site, wind turbine impact on the habitat must be carefully evaluated. Wind energy can have adverse environmental impacts, including the potential to reduce, fragment, or degrade habitat for wildlife, fish, and plants. Spinning turbine blades can pose a threat to flying wildlife like birds and bats.

Of great concern is that the MRIC Biological Survey failed to consider the Yolo Causeway Bat Colony. This colony is one of the largest seasonal Mexican free-tailed bat (*Tadarida brasiliensis*) colonies in California. An estimated 250,000 individual bats live there. The Mexican free tail bat is considered a species of special concern in California as a result of declining populations. The yolo causeway bat colony is 2.5 miles from the ARC proposed project. That is well within the 30 mile daily hunting area of the causeway bats. Further considering many of the bats insect prey are agricultural pests, it is very likely the bats hunt at the current ARC site.

B. Survey Dates, Personnel, and Coverage

Biological and botanical surveys conducted for this project are summarized in Table 1 below.

Table 1. Survey Dates and Personnel

Date(s)	Personnel	Area(s) Surveyed	Surveys Conducted
7 October 2014	Mike Bower, M.S.	Entire BSA	Reconnaissance survey
10 December 2014	Mike Bower, M.S. Noosheen Pouya, B.S.	Entire BSA	Biological and botanical survey. Wetland delineation fieldwork
23 December 2014	Chuck Hughes, M.S.	Entire BSA	Arborist survey
19 May 2015	Mike Bower, M.S. Juan Mejia, B.S.	Entire BSA	Botanical survey

C. Problems Encountered and Limitations That May Influence Results

The botanical surveys were not conducted at a time of year when all special-status plants would be expected to be evident and identifiable. No other problems or limitations were encountered.

Table 1 from appendix D.

The MRIC biological surveys were all conducted in the winter. Appendix D in table 1 states that the biological survey was conducted in December. The Mexican brown free tail bat is migratory and would not be in California at that time. In fact all of the survey dates, were at times when no, or almost no bats would be expected. This lack of summer surveys is specific insufficiency to the survey that is now compounded by the change allowing renewable energy generation at ARC.

The biological survey conducted in December also would have missed all of the summer migratory birds that use Yolo Bypass Wildlife Area were there are approximately 16,600 acres and is a haven for fish, waterfowl, shorebirds and wading birds, neotropical migratory birds, raptors, invertebrates, snakes, turtles, toads, and bats. Vegetation community types include managed seasonal and permanent wetland, natural seasonal wetland, natural perennial wetland, and riparian woodland. This is part of the Pacific Flyway, and many of the birds visit the ARC site at times other than when the bio survey was done. This certainly shows a changed condition from when the survey was done, and shows that a new biological survey must be done at a more appropriate time of year. Because of the previous deficient biological survey, a new survey must be done in the summer months.

The migratory birds that were missed in the biological survey are at specific harms way from the addition of renewable power generation that has been added as an allowable use in the ARC PPD. This change must be studied, and a new biological survey will need to be done to study it since the previous survey was insufficient.

Additionally, sound, visual impact, vibration and shadow flicker effects must be considered. With the close proximity to houses, the impact of the turbines on the houses must be considered (Wind turbines generate some noise. At a residential distance of 300 metres (980 ft) this may be around 45 dB.). Wind turbines are required to have aviation lighting, the impact of this lighting on nocturnal animals such as owls and bats must be considered

Consider K. Shawn Smallwood, "Comparing bird and bat fatality-rate estimates among North American wind-energy projects", Wildlife Society Bulletin, 26 Mar. 2013.

Woodland Innovation Park

Since the MRIC EIR Woodland has received an application for the development of an innovation park, this application was received on March 6, 2017, and is currently in review.

The City of Woodland website states:

The proposed Woodland Research and Technology Park Specific Plan is envisioned as a new technology hub for the City of Woodland, intended to serve an array of research and technology companies interested in locating and growing near U. C. Davis, and other research and technology institutions within the Sacramento region. Ideally located along the Highway 113 corridor, the Specific Plan will offer a unique business environment, supporting research and development, technology, and science and engineering-based companies. Consisting of approximately 351 acres, the Specific Plan is proposed as a new type of employment center that also includes a range of housing options, a commercial mixed-use town center focused around a central green and connected by a multi-modal street network and trail system.

<https://www.cityofwoodland.org/583/Woodland-Research-Technology-Park>

This plan is very close to what is proposed for ARC. It is also a “research and technology campus.” It is also linking to UC Davis. It is also located on a highway a short drive from UC Davis. It also has “mixed-use town center focused around a central green.”

The approval of such a similar project so close to ARC will effect the viability of ARC. This must project must be considered in the impact report for ARC

The Woodland general plan sets out Policy 2.D.3 “technology Sector. Grow the technology sector in Woodland by leveraging the research strength at UC Davis. Establish business parks in the Southern Gateway at CR 25 and SR 113 and along CR 102. Encourage smaller companies

and start-ups to locate in incubator spaces Downtown and in areas with the Light Industrial Overlay designation.” this policy is new since the approval of the MRIC EIR and therefore must be considered in the SEIR. This type of development will compete directly with ARC and must be considered in assessing the financial viability of the ARC project.

City of Woodland General Plan

The City of Woodland adopted a new general plan on May 16, 2017, this is after the EIR for MRIC was approved. This changed circumstance must be considered in the SEIR for ARC. The woodland General plan has a enormous amount of growth

Colin Walsh
900 Kent Dr.
Davis, CA 95616

December 23, 2019

Asley Feeney
Assistant City Manager
City of Davis
23 Russell Boulevard,
Davis, CA 95616

Dear Mr. Feeney,

I am writing to draw your attention to a significant omission in the Mace Ranch Innovation Center Project Final Environmental Impact Report dated January 2016. At no place in the FEIR is there any consideration for Mexican free-tailed bats (*Tadarida brasiliensis*), or for Hoary bats (*Lasiurus cinereus*).

Just over 2 miles from the MRIC/ARC site is “One of the largest seasonal Mexican free-tailed bat (*Tadarida brasiliensis*) colonies in California. An estimated 250,000 individuals strong.” (<https://baynature.org/2013/07/25/yolo-bats/>). This colony roosts under the Yolo Causeway bridge and has been well documented in the Davis Enterprise and the Sacramento Bee (<https://www.davisenterprise.com/community/see-bats-at-the-causeway/>, <https://www.sacbee.com/news/local/environment/article31141712.html>).

I have personally observed bats flying over the MRIC/ ARC site during summer months, but there is no mention of bats in the FEIR, or any of the underlying documentation.

Hoary bats have been mist netted by biologists and received into wild rescue by NorCal Bats in the area as well. They generally roost in trees, so it is possible that they roost on the MRIC/ARC site or nearby.

It appears the MRIC EIR Biological Survey missed the bats because it was performed only in winter months when the bats migrate and/or are less active. The Biological Resources Evaluation for the Mace Ranch Innovation Center Project prepared by Sycamore Environmental Consultants in August 2015 indicates the Biological Survey was conducted on December 10.

B. Survey Dates, Personnel, and Coverage			
Biological and botanical surveys conducted for this project are summarized in Table 1 below.			
Table 1. Survey Dates and Personnel			
Date(s)	Personnel	Area(s) Surveyed	Surveys Conducted
7 October 2014	Mike Bower, M.S.	Entire BSA	Reconnaissance survey
10 December 2014	Mike Bower, M.S. Noosheen Pouya, B.S.	Entire BSA	Biological and botanical survey. Wetland delineation fieldwork
23 December 2014	Chuck Hughes, M.S.	Entire BSA	Arborist survey
19 May 2015	Mike Bower, M.S. Juan Mejia, B.S.	Entire BSA	Botanical survey

(MRIC-BRE-Aug2015.docx 8/10/2015, Page 9)

Unfortunately, it is very unlikely a survey conducted in December would find the Mexican free-tailed bat or the Hoary bat, because they are migratory and/or dormant in the winter. This information is widely known and publicized. For example, an Atlas Obscura headline, “Bats of Yolo Causeway: **Each summer**, the **migratory** bats living beneath the bypass form “batnadoes” **at dusk.**”

(<https://www.atlasobscura.com/places/yolo-causeway-bats>).

The Davis Enterprise reported, “About 250,000 Mexican free-tailed bats call the Yolo Bypass Wildlife Area home. Each **evening, in the summer**, these beneficial animals each [eat] millions [of] insects.” The Yolo Basin Foundation who work to protect and conserve the Yolo causeway habitat area including the bat roost state, “Range: **Migratory.**”

The Mexican free-tailed bat can fly more than 40 miles a day hunting for food, and they feed on many agricultural pests. There is every reason to believe they are present at the site of the ARC project through the summer months. As stated earlier, I have seen them there myself.

The Hoary bat can travel 24 miles while foraging and could be roosting and/or foraging at the MRIC/ARC site in the spring and fall.

Also, there is no information in the Biological Resources Survey as to the time of day of the biological survey. A survey done during daylight hours would also make it unlikely to find bats since they are nocturnal and emerge to hunt at the MRIC/ARC site only at twilight.

Additionally, there are known summer nesting sites for heron and other birds near road 105. These birds may also be foraging in the summer months on the MRIC/ARC site and would have been missed with a December survey.

New Biological Surveys in the spring, summer and fall months at the proper times must be done to assess the presence of Mexican free-tailed bats, Hoary bats, and summer migratory birds so that proper mitigation measures can be planned.

It is also notable that these bats are a food source for Swainson’s Hawks, a designated Threatened Species in California, so knock-on impacts on the hawks resulting from impacts on the bats must also be considered.

Although *Tadarida brasiliensis*, “is widely regarded as one of the most abundant mammals in North America, and is not on any Federal lists... its proclivity towards roosting in large numbers in relatively few roosts makes it especially vulnerable to human disturbance and habitat destruction.” Since this major roost is so close to the ARC site, the potential impacts on the roost must be understood and mitigated before moving forward with the project.

(<http://wbwg.org/western-bat-species/>). The Western Bat Working Group further notes “Documented declines at some roosts are cause for concern.” Bat Conservation International (BCI) notes, “The world is a dangerous place for bats. Although they provide vital environmental and economic services, bat populations are declining around the globe, largely as a result of human activity... Loss of habitat remains the most widespread peril worldwide.” (<http://www.batcon.org/why-bats/bats-are/bats-are-threatened>)



BCI Founder and President Merlin Tuttle and Jessica Kerns, University of Maryland, inspect bats killed at wind turbines (photo by Merlin Tuttle, BCI.)

BCI also reports that bats are further threatened by White-nose syndrome: “over 5.7 million of bats have been killed by White-nose Syndrome, a wildlife disease that continues its spread across the continent. Caused by a cold-loving fungus called *Pseudogymnoascus destructans*, WNS attacks hibernating bats, causing mortality rates that approach 100 percent at some sites.” WNS was announced in CA last summer in Plumas County. Now that it has arrived in CA it could rapidly decimate the remaining bat populations.

BCI further reports that, “The dramatic growth of wind energy throughout much of the world is also taking a huge toll on bats.”

“The cumulative impact of wind power facilities in killing migratory bats threatens to become an environmental crisis that cannot be ignored (O’Shea et al. 2016). By 2012, more than 600,000 bats were being killed annually, and the number grows each year (Hayes 2013).”

<https://www.merlintuttle.org/resources/careless-wind-energy-development/>

“Scientists estimate that hundreds of thousands of bats are killed each year in the United States by collisions with the spinning blades of wind turbines or rapid pressure change at turbines that can rupture blood vessels. BCI and its partners have been working since 2004 to minimize bat fatalities at wind sites” according to BCI.

These impacts of renewable energy generation on bats is a point of concern in relation to the ARC project. On April 14th, 2016 the Davis Enterprise published this illustration of the MRIC/ARC project provided by the developer. (<https://www.davisenterprise.com/local-news/mace-ranch-innovation-center-put-on-hold/attachment/mace-innovationw/>) The illustration clearly shows the developers are considering placing several wind turbines at the project.



The illustration was used again in the California Aggie on December 10, 2019 in what appears to be a developer press release story. (<https://theaggie.org/2019/12/10/initiative-to-build-research-campus-gains-support-throughout-davis/>)

The inclusion of wind turbines in the project is also supported in the ARC PPD zoning changes. The Aggie Research Campus – Proposed Preliminary Planned Development (PPD) specifically adds a permitted use, “(f) Renewable energy generation and storage facilities” This did not appear previously in the MRIC PPD and constitutes a change that must be studied in the SEIR. This land use designation also does not exist in the current Davis Municipal code and thus lacks definition. It certainly can be read to include wind energy generation.

Renewable energy generation at the ARC site needs to be studied in the EIR. In order to understand its impacts, a new Biological Survey needs to be performed in spring, summer, and fall months. The biological survey that was conducted on only one day in December was not a sufficient biological study to base the MRIC FEIR on and clearly missed biological resources on the site. Even if no wind generation is planned for the site, a proper biological survey that can determine the presence in spring, summer, and fall of migratory animals including bats needs to be done before this project can move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin Walsh".

Colin Walsh

CC: Davis City Council, Davis City Manager Mike Webb, Sherri Metzker Principal Planner City of Davis, Yolo Basin Foundation, Yolo County Board of Supervisors, California Department of Fish and Wildlife Bay Delta Region, Central Coast Bat Survey, Bat Conservation International, Northern California Bats, Western Bat Working Group, Sierra Club Yolano Group

Colin Walsh
900 Kent Drive
Davis, CA 95616

January 6, 2020

Sherri Metzker,
Principal Planner
City of Davis
Community Development and Sustainability Department,
23 Russell Boulevard, Suite 2
Davis, CA 95616

Dear Ms. Metzker,

I am writing regarding new information about the developer's plans for the ARC business park that came to light during the City of Davis Social Services Commission meeting the evening of December 16th. This new information was not provided to the public until after the 5PM December 16th deadline for ARC EIR scoping comments, but the information is directly relevant to the supplemental EIR process and needs to be considered in the new environmental evaluation of the site. Since the developer was late in providing this new information, it is incumbent upon the City to include this new information in the SEIR process.

Specifically, the new information is different than what was stated in the project description used as the bases for the MRIC EIR or for the MRIC Mixed-use Alternative included in that EIR. It is also different than any information in the previously provided ARC project description. Because this new information shows a change, it needs to be considered in the SEIR process. Since the developer did not bring this information to the public until after the closing date for scoping comments, this new information needs to be considered even though this comment has been submitted past the scoping deadline.

At the Social Services Commission meeting, the Social Services Commission and Mayor Lee expressed a preference for integrating required affordable housing into the ARC project. When asked about this, the developer stated some willingness to include affordable housing in the multifamily housing, but also stated that, "I think that if I had a magic crystal ball here...I think that chances are we are going to have to identify sites other places and team up with affordable developers and help to finance an affordable developer product."

It was clear in the meeting the developer intends to locate affordable housing in a location other than the proposed ARC site. This additional offsite development was not considered in the MRIC EIR and must now be considered in the SEIR. As of the Social Services Commission meeting it has become clear that ARC is only part of the new construction the developer will bring to Davis, and the additional induced growth needs to be considered.

The current ARC proposal includes 850 housing units at the ARC site east of Mace Boulevard. The current interim affordable housing ordinance would require 15% affordable housing. Under the current ordinance this could result in 150 units built off site at a yet to be identified location in Davis. These 150 new units would be in addition to the 850 units on site for a total of 1,000

housing units built in Davis. These 150 new units are in addition to anything that was included in the MRIC EIR Mixed-use alternative and therefore must be considered in the SEIR.

One difficulty is that the current affordable housing ordinance is only an interim ordinance, and the actual required housing could be much more. The social services voted to recommend applying whatever ordinance is in place when more specific project proposals come forward. The previous ordinance would have required 35% affordable housing. The previous ordinance would have required an additional 458 housing units if they are built offsite. 850 units at ARC plus the offsite 458 units would result in 1308 total units being built as part of the ARC project. Since the Social Services Commission has expressed a desire to increase the amount of affordable housing required in new developments in Davis, it is reasonable to believe that as many as 458 more units will be built by the developer offsite. Analysis of these potential additional 458 offsite units must be done since they are tied to the ARC project and were not considered in the MRIC EIR or the MRIC EIR Mixed-use Alternative.

For comparison purposes, the Canner is 547 units and Sterling apartments is 198 units. 150-458 new units is a very sizable new development to add to Davis and all the impacts must be analyzed in the EIR.

This becomes more complicated by the fact that the Social Services Commission went on to pass a recommendation that included, "The commission strongly recommends onsite affordable housing." The difficulty is that this is incompatible with the MRIC Mixed-use EIR report that assumes there will be, "1.62 employees per household," in other words, that "approximately 1,215 to 1,377 of the innovation center employees are anticipated to live and work on the Mixed-Use Site." (Table 8-18)

With 1.62 ARC employees on average per household is a high number already. It assumes many couples would both work at jobs located in the ARC development and/or that people who work together would be likely to share apartments. That high requirement already assumes that all or nearly all of the apartments would be filled with employees, so where would the affordable housing go? Or would there be employees who qualified for affordable housing? What about very low affordable housing? The closer scrutiny of the need for employees to live at ARC to meet the EIR goals, and the need for affordable housing makes it clear how unlikely it is the developer can achieve both on site at the same time. Or that to obtain this the resident selection process would have to be very restrictive and would likely not be legal. Thus, it is very unlikely the developer can meet the affordable housing requirement and the very high MRIC EIR goals for employees living in the ARC project at the same time. This reinforces the developer's statements that affordable housing would be built at a different location. The induced growth at another location needs to be considered in the EIR.

But to make this even more complicated, on July 19, 2017 the City of Davis Planning Commission passed a resolution recommending certification of the MRIC FEIR that included a clarification that the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 onsite units. City Council Resolution 17-125 to certify the MRIC FEIR on September 19, 2017, included this language, "the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units."

If 15% of on-site units were to be put aside for affordable housing, that leaves even fewer units to be filled by employees, unless the employees happen to qualify for affordable housing. And since there is no mechanism to give employees housing preference over non-employees, it becomes that much more unlikely that the promised average number of employees in on-site units can simply occur on its own.

Given the developer's already stated preference for off-site affordable housing, it seems highly suspect to believe the developer will be able to house so many employees on site AND have affordable housing also on site. It seems beyond unlikely that both will happen, but there is a real lack of information at this time because the project application offers absolutely no detail on the affordable housing plan, and absolutely no detail on how the developer will attract such a high percentage of people employed in ARC to live in ARC. In either case, this is different than what was included in the MRIC EIR and therefore must be analyzed.

With this lack of information, the SEIR will just have to analyze the likely outcomes. The induced growth of offsite affordable housing will need to be analyzed and the possibility that few or no people employed at ARC will live at ARC both need to be analyzed. All of these possibilities are different from what was included in the MRIC EIR and the MRIC EIR Mixed-use Alternative and therefore must be analyzed.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin Walsh". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Colin Walsh

CC: Davis City Council, City Manager Web, Assistant City Manager Feeney, City of Davis Planning Commission, City of Davis Social Services Commission

Sherri Metzger, Principal Planner <smetzger@cityofdavis.org>
Ashley Feeney, Assistant City Manager <afeeney@cityofdavis.org>
City of Davis Community Development and Sustainability Department
23 Russell Boulevard
Davis, CA 95616

Sherri and Ash,

Respectfully, I am of the very strong opinion that the current process for the Aggie Research Campus (ARC) is totally upside down. Currently the City has created a timeline that places the Environmental Review process ahead of the Economic Review process, which is problematic on a number of levels, specifically:

1. ARC and its predecessor Mace Ranch Innovation Center (MRIC) have been justified to the citizens of Davis by the developer, Council, staff and consultants (EPS, et.al) based on the fiscal impact of its economic development component and jobs addition to the Davis community.
2. That economic impact has never been presented by the developer, staff, or the consultants to the either the Finance and Budget Commission (FBC) or the public in any FBC meeting.
3. The 2015-2016 EPS report and the 2015-2016 EIR assumed, in writing, a lead tenant in the form of FMC Schilling Robotics, bringing additional high-tech jobs to both MRIC and the Davis community.
4. FMC Schilling Robotics no longer is the lead tenant, and in light of their publicized commitment to moving to West Sacramento, the jobs addition they represented in 2016 is now a jobs reduction for the community. That is a massive "changed circumstance" that needs to be included in any current Environmental Review.
5. Further, Resolution 17-125 (attached) passed and adopted by City Council on September 19, 2017 clearly states, "*The FEIR is hereby modified to including [sic] a clarification to page 7-202 of the Draft EIR that the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units.*"
6. The current ARC application provides no such legal mechanism. Further, absent FMC Schilling Robotics, ARC has not demonstrated any verifiable cohort of the employees referenced in the Resolution.
7. Further, it is believed, based on hearsay remarks in the public, that ARC is going to use UC Davis as its demonstrable "lead tenant." If those hearsay remarks are true, the justification based on the fiscal impact of the economic development component and jobs addition becomes elusive at best for both those criteria.
8. Any positive fiscal impact of UC Davis as the lead tenant at ARC evaporates due to the tax-exempt status of UC Davis. Already in at least a dozen existing properties in Davis, the City receives none of the property tax revenues that would be received if the tenant were a private company.
9. It is also questionable, as well as undocumented, whether the UC Davis jobs in such a lead tenant situation would be net additional jobs for the Davis community, or simply the

relocation of existing jobs. Relocation of existing jobs produces very little, if any additional revenues for Davis.

10. Further, relocation of existing jobs makes compliance with a "legally enforceable mechanism regarding employee occupancy" very difficult, if not impossible. That too is a massive "changed circumstance" that needs to be included in any current Environmental Review.
11. The Long Range Calendar on the September 9, 2019 FBC meeting agenda (attached) shows February 10, 2020 as the date the FBC will receive and discuss the Aggie Research Campus project fiscal analysis. Delaying the Environmental Review process until after February 10, 2020 adds only 90 days on the front end of the consideration of the ARC project application, but taking that step will improve the quality and reduce the legal risks associated with the Environmental Review.

All of the above problems, and many others would be clearly, transparently, and correctly addressed/remedied if the currently proposed EIR process were put on hold until the developer, staff and consultants has presented to the Finance and Budget Commission, and the public, the updated ARC fiscal analysis commissioned by the City with EPS, as well as the underlying April 2016 MRIC fiscal analysis completed by EPS, et. al.

I strongly believe that once the ARC and MRIC fiscal information is presented, additional changes to the many facets of the project will become starkly apparent.

Respectfully submitted.

Matt Williams

Speaking as an Individual, not as a representative of any Commission or Organization

CC: Zoe Mirabile, City Clerk <zmirabile@cityofdavis.org>
Finance and Budget Commission members <fbc@cityofdavis.org>