RESOLUTION NO. 18-040, SERIES 2018

RESOLUTION ADOPTING CEQA FINDINGS OF FACT; AND ADOPTING A MITIGATION MONITORING PLAN; AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LINCOLN40 PROJECT

WHEREAS, the subject project known as the "Lincoln40 Project" is located on a combination of eleven properties located at 1111 Olive Drive (APN: 070 280 010), 115 Hickory Lane (APN: 070 280 014), 113 Hickory Lane (APN: 070 280 013), 111 Hickory Lane (APN: 070 280 012), 118 Hickory Lane (APN: 070 280 017), 120 Hickory Lane (APN: 070 280 016), 1165 Olive Drive (APN: 070 280 015), 1185 Olive Drive (APN: 070 290 002), 1229 Olive Drive (APN: 070 290 004) 1223 Olive Drive (APN: 070 290 001), and 1225 Olive Drive (APN: 070 290 003) of on approximately 5.92 acres, within the incorporated boundary of the City of Davis; and

WHEREAS, an Environmental Impact Report (EIR) was prepared evaluating the proposal for a residential medium high density land use project consisting of 130 units, consisting of 473 bedrooms, of which, 235 bedrooms would be designed as double-occupancy rooms resulting in a total of 708 beds; and

WHEREAS, the Final Environmental Impact Report (SCH #2016082073) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the California Environmental Quality Act (CEQA; Public Resources Code §21000 et seq.) to analyze the environmental effects of the project; and

WHEREAS, on August 29, 2016, the Notice of Preparation (NOP) was released and the 30-day comments period ended on September 27, 2016; and

WHEREAS, on September 15, 2016, a notice of preparation meeting was held; interested citizens, including commissions, were invited to provide comments on the content of the Lincoln40 Draft Environmental Impact Report (DEIR); and

WHEREAS, on June 16, 2017, the Notice of Availability of the DEIR was released and the 45-day comment period commenced on the next business day, June 19, 2017, and ended on August 2, 2017; and

WHEREAS, the following Commissions reviewed and commented on the DEIR: Planning Commission on July 26, 2017; Natural Resources Commission on June 26, 2017 and July 24, 2017; Historical Resources Management Commission on July 17, 2017; and Bicycle, Transportation, and Street Safety Commission on July 13, 2017; and

WHEREAS, Section 21000 et seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and
WHEREAS, SB 375 provides for CEQA streamlining for projects consistent with a regional Sustainable Communities Strategy (SCS) adopted by a Metropolitan Planning Organization, and this project is determined to be consistent; and

WHEREAS, Section 21155.1 of the Public Resources Code provides that projects that are declared to be a sustainable communities project based on certain specified criteria are not subject to the requirements of CEQA, and the City has determined, based on the entire administrative record including but not limited to the information and analysis contained in the Public Resources Code Section 21155.1 Consistency Analysis for the Lincoln40 Project prepared for the City by Raney Planning & Management, Inc (the PRC Section 21155.1 Consistency Analysis), that the Lincoln40 Project is consistent with Public Resources Code Section 21155.1 and constitutes a sustainable communities project; and

WHEREAS, the Final EIR (Response to Comments) documents were released December 5, 2017, including notification to all public agencies that commented on the Draft EIR in satisfaction of CEQA Guidelines Section 15088(b); and

WHEREAS, on March 13, 2018, the City Council held a public hearing and reviewed the Final EIR prepared for the project and the project applications, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

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

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

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

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

2. The City Council finds the less than significant adverse environmental effects of the project to be "acceptable". The City Council hereby adopts the Findings contained within Exhibit A.
3. The City Council has determined that the project is consistent with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) pursuant to SB 375, complies with the requirements of Section 21159.28 of CEQA Guidelines. As discussed further in the EIR, the project is eligible for CEQA streamlining benefits as a qualifying "residential or mixed-use residential project" including the benefits set forth in Section 21159.28(a)-(b) and 21099(d). In addition, in consideration of the substantial evidence set forth in the EIR and in the administrative record, including the PRC Section 21155.1 Consistency Analysis, the City Council finds that the project is a sustainable communities project pursuant to Section 21155.1 of the Public Resources Code and, for this reason, preparation of the EIR was not required in order to comply with CEQA, although an EIR was prepared and is being certified by the City Council pursuant to this Resolution.

4. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the project will result in significant effects on the environment, however, the City eliminated or substantially lessened all of the project’s significant effects through the imposition of feasible mitigation measures as demonstrated in the EIR.

5. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project is the best alternative. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.

6. Responses to comments received on the Draft EIR adequately addressed the comments and minor additions and clarifications were provided, but did not result in any significant new information requiring recirculation of the EIR pursuant to Section 15088.5.

7. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.

8. The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit B, is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

9. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.

10. The City Council hereby certifies the Final EIR in accordance with the requirements of CEQA.

11. A Notice of Determination shall be filed immediately after final approval of the project.
12. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:

   a) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files with the City of Davis Department of Community Development and Sustainability;

   b) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

PASSED AND ADOPTED by the City Council of the City of Davis this 13th day of March, 2018, by the following vote:

AYES: Arnold, Frerichs, Lee, Swanson, Davis

NOES: None

Robb Davis
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk
EXHIBIT A

FINDINGS OF FACT FOR THE

LINCOLN40 PROJECT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Davis (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the EIR prepared for the Lincoln40 Project (project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the project that override any significant environmental impacts that would result from the project.

As required under CEQA, the Final EIR describes the project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City’s independent judgment regarding the potential adverse environmental impacts of the project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the project, examined the following alternatives to the project that were not chosen as part of the approved project:

• No Project Alternative;
• Existing Gateway/Olive Drive Specific Plan Alternative;
• Conventional Apartments Alternative;
• Reduced Density Student Apartments Alternative;
• Aggressive Transportation and Parking Demand Management Alternative;
• Mixed-Use Alternative;
• Off-Site (3820 Chiles Road) Alternative;
• Off-Site Woodland Alternative; and
• Off-Site UC Davis On-Campus Alternative.

The Findings of Fact set forth below (“Findings”) are presented for adoption by the City Council (Council) as the City’s findings under CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the
project. The Findings provide the written analysis and conclusions of this Council regarding the project’s environmental impacts, mitigation measures, and alternatives to the project.

II. GENERAL FINDINGS AND OVERVIEW

Procedural Background

The City of Davis circulated a Notice of Preparation (NOP) of an EIR for the proposed project and an Initial Study on August 29, 2016 to trustee agencies, the State Clearinghouse (SCH# 20160820173), and the public. A scoping meeting was held on September 15, 2016 in the City of Davis for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the proposed project. The NOP and comments received during the NOP comment period are presented in Appendices A and C, respectively, of the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on June 19, 2017 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 20160820173) and the County Clerk, and was published in a local newspaper and mailed to surrounding properties pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from June 19 through August 2, 2017.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received 34 comment letters regarding the Draft EIR from public agencies, organizations, and members of the public during the public comment period. In addition, two letters were received after the end of the public comment period (August 2, 2017). In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, NOA, and all other public notices issued by the City in relation to the Lincoln40 Project Draft EIR.
- The Lincoln40 Project Final EIR, including comment letters and technical materials cited in the document.
All non-draft and/or non-confidential reports and memoranda prepared by the City of Davis and consultants in relation to the EIR.

Minutes of the discussions regarding the project and/or project components at public hearings held by the City.

Staff reports associated with Planning Commission and City Council meetings on the project.

Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Davis Office of the City Clerk at: 23 Russell Boulevard, Suite 1, Davis, CA 95616.

Consideration of the Environmental Impact Report

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Lincoln40 Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Lincoln40 Project, shall continue in full force and effect unless amended or modified by the City.

Streamlining

The Legislature has adopted several statutory provisions to streamline CEQA for infill development within this region of the State that are consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG). A project’s consistency with the MTP/SCS is determined using project based criteria (e.g. density requirements) and location-based criteria (e.g. proximity to transit). SACOG assists jurisdictions in making an MTP/SCS consistency determination; however, it is the lead agency’s responsibility to make the final determination.

On October 3, 2016, SACOG provided the City of Davis with a letter of concurrence stating that SACOG agrees with the City’s conclusion that the proposed project would be consistent with the MTP/SCS. Specifically, SACOG states:

Given the project’s mix and density of land uses (over 20 dwelling units per acre and over 50 percent of square footage in residential use), the project’s location within the Yolo Transit Priority Area, and its consistency with the use, density/intensity and
applicable policies of the MTP/SCS, the Lincoln40 project is considered a Transit Priority Project, as defined by SB 375 (PRC § 21155(b)).

Therefore, the project is eligible for CEQA streamlining benefits. Specifically, the Project EIR was not required to:

1. reference, describe, or discuss (1) growth inducing impacts, or (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. (Pub. Resources Code, § 21159.28, subd. (a); see also Pub. Resources Code, § 21094.5, subd. (b)(2).)

2. consider alternative locations, densities, and building intensities to the proposed project. (Pub. Resources Code, §§ 21094.5, subd. (b)(1); see also Pub. Resources Code, § 21159.28, subd. (b).)

3. consider aesthetic and parking impacts as potentially significant impacts on the environment. (Pub. Resources Code, § 21099, subd. (d)(1).)

However, for the purpose of public disclosure these issues were addressed within the relevant sections of this EIR (i.e., Aesthetics and Visual Resources, Air Quality and Greenhouse Gas Emissions, Transportation and Circulation, Statutorily Required Sections, and Alternatives Analysis).

In addition to the above limitations on the scope of the Project EIR, after the EIR was prepared, an analysis was conducted, supported by substantial evidence included in the EIR and the administrative record, that demonstrates that the Project qualifies as a sustainable communities project pursuant to Section 21155.1 of the Public Resources Code. As a sustainable communities project, CEQA does not require an EIR to be prepared for the Project because such projects are exempt from CEQA review.

While the EIR was not required for the Project pursuant to CEQA, the City Council exercised its discretion to prepare these findings in support of certification of the EIR. The EIR as well as the Project’s status as a sustainable communities strategy constitute independent bases for the City’s determination that the Project as approved is consistent with the requirements of CEQA. (See, e.g., Rominger v. County of Colusa (2014) 229 Cal.App.4th 690, 700-701 [upholding a lead agency’s discretion to both conclude a project is exempt from CEQA and to go “above and beyond the requirements of law” by preparing a negative declaration or EIR].)

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

All significant impacts identified in the EIR were mitigated to a less-than-significant level. As such, the EIR did not include any significant and unavoidable impacts and the associated findings are not required.

1 Sacramento Area Council of Governments. Lincoln40 Student Housing Apartment project consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2036. October 3, 2016.
IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

A. AIR QUALITY

1. EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS (EIR IMPACT 4.2-3)

   (a) Potential Impact. The potential for the project to expose sensitive receptors to substantial pollutant concentrations is discussed on pages 4.2-44 through 4.2-48 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.2-3.

   (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 4.2-3 would ensure that the cancer risk at the maximally exposed receptor associated with the proposed project’s construction activity would be reduced from an increase of 61.6 cases in one million persons to an increase of 2.33 cases in one million persons, which would be below the applicable threshold of significance of an increase of 10 cases in one million persons. Thus, the impact would be reduced to a less-than-significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

B. BIOLOGICAL RESOURCES

1. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SWAINSON’S HAWK (EIR IMPACT 4.3-1)

   (d) Potential Impact. The potential for the project to have a direct or indirect impact on Swainson’s Hawk is discussed on pages 4.3-23 through 4.3-25 of the Draft EIR.

   (e) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 4.3-1(a) and 4.3-1(b).

   (f) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to Swainson’s hawk will be mitigated to a less-than-significant level as Mitigation Measures 4.3-1(a) and 4.3-1(b) would first require the project to retain a qualified biologist to perform a preconstruction
survey to ensure that Swainson’s hawk and/or Swainson’s hawk nests are not present within 0.25 of the project construction area during construction activities occurring between February 1 and August 31. If an active Swainson’s hawk nest is found within the project site and the nesting tree is to be removed during construction activities, removal shall only occur after the qualified biologist has determined the young have fledged and are no longer dependent on the nest or paternal care for survival, and outside of the Swainson’s hawk nesting season. If any nesting tree is removed, a tree replacement plan shall be prepared, in consultation with CDFW and the Department of Community Development and Sustainability, to replace the nest trees. The tree replacement plan shall require the nesting tree(s) be replaced on a 1:1 basis and planted at an on-site or off-site location selected by the project applicant in consultation with CDFW and the Department of Community Development and Sustainability. The tree replacement plan shall also require that a qualified biologist monitor any replacement trees on an annual basis for five years to ensure the survivability of replacement trees. Any remaining impacts related to Swainson’s hawk after implementation of Mitigation Measures 4.3-1(a) and 4.3-1(b) would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON BURROWING OWL (EIR IMPACT 4.3-2)

(g) Potential Impact. The potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl is discussed on pages 4.3-25 through 4.3-27 of the Draft EIR.

(h) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 4.3-2(a) and 4.3-2(b).

(i) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to burrowing owl will be mitigated to a less-than-significant level as Mitigation Measures 4.3-2(a) and 4.3-2(b) would require that, no more than 14 days prior to initiation of ground disturbing activities, the project applicant would be required to retain a qualified burrowing owl biologist to conduct a take avoidance survey of the proposed project site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures consistent with the applicable portions of the March 7, 2012, CDFW’s Staff Report on Burrowing Owl Mitigation guidelines. If needed, as determined by the biologist, the formulation of avoidance
and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on-site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized under a CDFW-approved burrow exclusion plan. Any remaining impacts related to burrowing owl after implementation of 4.3-2(a) and 4.3-2(b) would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

3. **HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON RAPTORS, NESTING BIRDS, OR OTHER BIRDS PROTECTED UNDER THE MBTA (EIR IMPACT 4.3-3)**

(j) Potential Impact. The potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on raptors, nesting birds, or other birds protected under the MBTA is discussed on pages 4.3-27 through 4.3-28 of the Draft EIR.

(k) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.3-3.

(l) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to raptors, nesting birds, or other birds protected under the MBTA will be mitigated to a less-than-significant level as Mitigation Measure 4.3-3 would require a qualified biologist to conduct a preconstruction survey for active nests if site disturbance or construction activity would occur between February 1 and August 31. If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the project applicant shall immediately pursue a set of prescribed actions to limit potential impacts to such birds. Any remaining impacts related to raptors, nesting birds, or other birds protected under the MBTA after implementation of Mitigation Measure 4.3-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition
of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

4. **HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SPECIAL-STATUS BATS (EIR IMPACT 4.3-4)**

   (m) Potential Impact. The potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on special-status bats is discussed on pages 4.3-28 through 4.3-29 of the Draft EIR.

   (n) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.3-4.

   (o) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status bats will be mitigated to a less-than-significant level as Mitigation Measure 4.3-4 would require a qualified biologist to conduct a habitat assessment survey to determine whether the removal of trees greater than 10 inches in diameter at breast height (DBH) support bat roosts. Trees would be surveyed within 14 days before the onset of construction. If evidence of bat use is detected, the project applicant shall immediately pursue a set of prescribed actions to limit potential impacts to special-status bats. Any remaining impacts related to special-status bats after implementation of Mitigation Measure 4.3-4 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

5. **CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE (EIR IMPACT 4.3-7)**

   (p) Potential Impact. The potential for the project to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, is discussed on pages 4.3-30 through 4.3-36 of the Draft EIR.

   (q) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 4.3-7(a) and 4.3-7(b).

   (r) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts related to conflicts with local policies and/or ordinances protection biological resources, such as the City’s tree preservation ordinances and policies, will be mitigated to a less-than-significant level as Mitigation Measures 4.3-7(a) and 4.3-7(b) would require the project to implement a specific set of tree preservation measures prior to and during construction for all trees to be preserved on the project site, including on-site cork oaks, consistent
with the tree preservation guidelines provided in the project-specific Arborist Report. Any remaining impacts related to the preservation of on-site trees after implementation of Mitigation Measures 4.3-7(a) and 4.3-7(b) would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

6. CONFLICT WITH AN ADOPTED HCP, NCCP, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN (EIR IMPACT 4.3-8)

(s) Potential Impact. The potential for the project to conflict with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) is discussed on pages 4.3-36 through 4.3-37 of the Draft EIR.

(t) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.3-8.

(u) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts related to conflicts with the Yolo HCP/NCCP will be mitigated to a less-than-significant level as Mitigation Measure 4.3-8 would require the project applicant to comply with the mitigation/conservation requirements of the Yolo HCP/NCCP, as applicable, if the HCP/NCCP is adopted prior to the initiation of construction activities. Any remaining impacts related conflict with the Yolo HCP/NCCP after implementation of Mitigation Measure 4.3-8 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

C. CULTURAL RESOURCES

1. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE (EIR IMPACT 4.4-1)

(v) Potential Impact. The potential for the project to cause a substantial adverse change in the significance of a historical resource is discussed on pages 4.4-24 through 4.4-28 of the Draft EIR.
Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.4-1.

Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to historical resources will be mitigated to a less-than-significant level as Mitigation Measure 4.4-1 would require that if any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. Additional steps to be taken in the event of an inadvertent discovery are included in the mitigation measure. Any remaining impacts related to historic resources after implementation of Mitigation Measure 4.4-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO SECTION 15064.5 (EIR IMPACT 4.4-2)

Potential Impact. The potential for the project to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 is discussed on page 4.4-28 of the Draft EIR.

Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.4-1.

Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to archaeological resources will be mitigated to a less-than-significant level with implementation of Mitigation Measure 4.4-2. Mitigation Measure 4.2 requires implementation of Mitigation Measure 4.4-1, the provisions of which are discussed above. Any remaining impacts related to archaeological resources after implementation of Mitigation Measure 4.4-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The
City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

3. **Directly or Indirectly Destroy a Unique Paleontological Resource or Unique Geologic Feature on the Project Site (EIR Impact 4.4-3)**

   (bb) Potential Impact. The potential for the project to directly or indirectly destroy a unique paleontological resource or unique geologic feature on the project site is discussed on pages 4.4-28 through 4.4-29 of the Draft EIR.

   (cc) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.4-3.

   (dd) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to paleontological resources and/or unique geologic features will be mitigated to a less-than-significant level as Mitigation Measure 4.4-3 would require that, if any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. Any remaining impacts related to historic resources after implementation of Mitigation Measure 4.4-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

4. **Cause a Substantial Adverse Change in the Significance of a Unique Archeological Resource or Tribal Cultural Resource as Defined in CEQA Guidelines, Section 15064.5, Public Resource Code Section 5020.1 (k), or Public Resource Code Section 21074 or Disturb Any Human Remains, Including Those Interred Outside of Formal Cemeteries (EIR Impact 4.4-4)**

   (ee) Potential Impact. The potential for the project to cause a substantial adverse change in the significance of a unique archeological resource or tribal cultural resource as defined in CEQA Guidelines, Section 15064.5, Public Resource Code Section 5020.1 (k), or Public Resource Code Section 21074 or disturb any human remains, including those interred outside of formal cemeteries is discussed on pages 4.4-29 through 4.4-30 of the Draft EIR.
Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 4.4-4(a) and 4.4-4(b).

Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to unique archeological resources, tribal cultural resources, and/or human remains will be mitigated to a less-than-significant level with implementation of Mitigation Measures 4.4-4(a) and 4.4-4(b). Mitigation Measure 4.4-4(a) requires implementation of Mitigation Measure 4.4-1, the provisions of which are summarized above. Mitigation Measure 4.4-4(b) would require that if human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Additional actions are required if the remains are determined to be Native American. Any remaining impacts related to unique archeological resources, tribal cultural resources, and/or human remains after implementation of Mitigation Measures 4.4-4(a) and 4.4-4(b) would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

D. HAZARDS AND HAZARDOUS MATERIALS

1. CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (EIR IMPACT 4.5-1)

Potential Impact. The potential for the project to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 4.5-11 through 4.5-15 of the Draft EIR.

Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 4.5-1(a) and 4.5-1(b).

Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less-than-significant level as Mitigation Measures 4.5-1(a) and 4.5-1(b) would require that prior to issuance of a demolition permit by the City for any on-site structures, the project applicant shall take measures to limit risks
associated with lead-based paint and asbestos exposure. Any remaining impacts related to creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment after implementation of Mitigation Measures 4.5-1(a) and 4.5-1(b) would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

E. HYDROLOGY AND WATER QUALITY

1. VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY THROUGH EROSION DURING CONSTRUCTION (EIR IMPACT 4.6-1)

(kk) Potential Impact. The potential for the project to violate water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality through erosion during construction is discussed on pages 4.6-15 through 4.6-16 of the Draft EIR.

(ii) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.6-1.

(mm) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to violation of water quality standards or waste discharge requirements, provision of substantial additional sources of polluted runoff, and/or degradation of water quality through erosion during construction will be mitigated to a less-than-significant level as Mitigation Measure 4.6-1 would require that prior to initiation of ground disturbing activities, the project applicant would prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement appropriate best management practices complying the with the Stormwater Construction General Permit from the RWQCB. Any remaining impacts related to violation of water quality standards or waste discharge requirements, provision of substantial additional sources of polluted runoff, and/or degradation of water quality through erosion during construction after implementation of Mitigation Measure 4.6-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the
mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. **VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY THROUGH EROSION DURING OPERATIONS (EIR IMPACT 4.6-2)**

   (nn) Potential Impact. The potential for the project to violate water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality through erosion during operations is discussed on pages 4.6-16 through 4.6-17 of the Draft EIR.

   (oo) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.6-2.

   (pp) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to violation of water quality standards or waste discharge requirements, provision of substantial additional sources of polluted runoff, and/or degradation of water quality through erosion during operations will be mitigated to a less-than-significant level as Mitigation Measure 4.6-2 would require that prior to issuance of building permits, the applicant shall submit to the City a final plan, identifying permanent stormwater TCMs, SDMs, and Hydromodification Measures, for each DMA to be implemented on the project, as well as a signed stormwater maintenance agreement and corresponding maintenance plan. Any remaining impacts related to violation of water quality standards or waste discharge requirements, provision of substantial additional sources of polluted runoff, and/or degradation of water quality through erosion during operations after implementation of Mitigation Measure 4.6-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

3. **SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, OR CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER THAT WOULD RESULT IN FLOODING ON- OR OFF-SITE (EIR IMPACT 4.6-4)**

   (qq) Potential Impact. The potential for the project to substantially alter the existing drainage pattern of the site or area, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or substantially increase the rate or amount of surface runoff in a manner that would
result in flooding on- or off-site is discussed on pages 4.6-19 through 4.6-22 of the Draft EIR.

(rr) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.6-4.

(ss) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to substantial alteration of the existing drainage pattern of the site or area, creation or contribution of runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or substantial increases to the rate or amount of surface runoff in a manner that would result in flooding on- or off-site will be mitigated to a less-than-significant level with implementation of Mitigation Measure 4.6-4. Mitigation Measure 4.6-4 requires implementation of Mitigation Measure 4.6-2, the provisions of which are discussed above. Any remaining impacts related to drainage, runoff, and flooding after implementation of Mitigation Measure 4.6-4 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

F. NOISE

1. A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT (EIR IMPACT 4.8-1)

(tt) Potential Impact. The potential for the project to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project is discussed on pages 4.8-20 through 4.8-22 of the Draft EIR.

(uu) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.8-1.

(vv) Findings. Based upon the EIR and the potential for the project to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project will be mitigated to a less-than-significant level as Mitigation Measure 4.8-1 would require the project applicant to submit proposed noise-reduction practices for review and approval by the City. The proposed practices would be required to ensure individual piece of equipment would not produce a noise level exceeding specified limits. Any remaining impacts related to ambient noise level increases after implementation of Mitigation Measure 4.8-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required
herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. RAILROAD NOISE AT NEW SENSITIVE RECEPTORS (EIR IMPACT 4.8-5)

(ww) Potential Impact. The potential for the project to result in excessive railroad noise at new sensitive receptors is discussed on pages 4.8-26 through 4.8-27 of the Draft EIR.

(xx) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 4.8-5(a) and 4.8-5(b).

(yy) Findings. Based upon the EIR and the potential for the project to result in excessive railroad noise at new sensitive receptors will be mitigated to a less-than-significant level as Mitigation Measures 4.8-5(a) and 4.8-5(b) would require a focused acoustical analysis to evaluate interior noise levels at the proposed residences. If final site plans and building plans are determined to result in excessive interior noise levels within one or more residential units, windows facing the railroad tracks for all such units would be required to include appropriately-rated ‘STC’ windows, as determined by an acoustical consultant. Any remaining impacts related to railroad noise at new sensitive receptors after implementation of Mitigation Measures 4.8-5(a) and 4.8-5(b) would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

G. TRANSPORTATION AND CIRCULATION

1. IMPACTS ASSOCIATED WITH CONSTRUCTION VEHICLE TRAFFIC (EIR IMPACT 4.11-7)

(zz) Potential Impact. The potential for the project to result in impacts associated with construction vehicle traffic is discussed on pages 4.11-54 through 4.11-55 of the Draft EIR.

(aaa) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.11-7.

(bbb) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with construction vehicle traffic will be mitigated to a less-than-significant level as Mitigation Measure 4.11-7 requires
the preparation of a Traffic Control Plan. The Traffic Control Plan would ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. Any remaining impacts associated with construction vehicle traffic after implementation of Mitigation Measure 4.11-7 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. **IMPACTS TO STUDY INTERSECTIONS UNDER THE CUMULATIVE PLUS PROJECT SCENARIO**

   (EIR IMPACT 4.11-8)

   (ccc) Potential Impact. The potential for the project to result in impacts to study intersections under the Cumulative Plus Project scenario is discussed on pages 4.11-57 through 4.11-63 of the Draft EIR.

   (ddd) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.11-8.

   (eee) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to study intersections under the Cumulative Plus Project scenario will be mitigated to a less-than-significant level as Mitigation Measure 4.11-8 requires that the Lincoln 40 Improvement Plans show the extension of the existing westbound Olive Drive bicycle lane an additional 145 feet from its current terminus on East Olive Drive to the intersection of Richards Boulevard/Olive Drive. Implementation of the mitigation measure would improve traffic operations for the study intersections. Any remaining impacts to study intersections under the Cumulative Plus Project scenario after implementation of Mitigation Measure 4.11-8 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

3. **IMPACTS TO STUDY FREeways SEGMENTS UNDER THE CUMULATIVE PLUS PROJECT SCENARIO**

   (EIR IMPACT 4.11-9)
(fff) Potential Impact. The potential for the project to result in impacts to study freeway segments under the Cumulative Plus Project scenario is discussed on pages 4.11-63 through 4.11-66 of the Draft EIR.

(ggg) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 4.11-9.

(hhh) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to study freeway segments under the Cumulative Plus Project scenario will be mitigated to a less-than-significant level with implementation of Mitigation Measure 4.11-9. Mitigation Measure 4.11-9 requires implementation of Mitigation Measure 4.11-8, the provisions of which are summarized above. Implementation of the mitigation measure would improve the traffic operations for the study intersections, as well as the off-ramp queuing speed differential for both I-80 off-ramps during AM and PM peak hour conditions. Any remaining impacts to study freeway segments under the Cumulative Plus Project scenario after implementation of Mitigation Measure 4.11-9 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

H. INITIAL STUDY

1. BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUCBIDENCE, LIQUEFACTION OR COLLAPSE? (INITIAL STUDY SECTION VI, QUESTION C)

BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1B OF THE UNIFORM BUILDING CODE? (INITIAL STUDY SECTION VI, QUESTION D)

(iii) Potential Impact. The potential for the project to result in impacts related to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, and/or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code is discussed on pages 22 through 23 of the Initial Study (Appendix B of the Draft EIR).

(jii) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure VI-1.

(kkk) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with unstable geologic units and/or
soils, including expansive soils, will be mitigated to a less-than-significant level as Mitigation Measure VI-1 requires that certain requirements identified in the Geotechnical Investigation prepared for the project be shown on the project grading and foundational plans, subject to review and approval by the City Engineer. Such requirements would specifically address expansive and/or potentially compressible soils. Any remaining impacts associated with unstable geologic units and/or soils, including expansive soils after implementation of Mitigation Measure VI-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the technical analysis contained within the Draft EIR and Final EIR.

Aesthetics and Visual Resources: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.1-1, 4.1-2, 4.1-3, 4.1-4, and 4.1-5.

Air Quality and Greenhouse Gas Emissions: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.2-1, 4.2-2, 4.2-4, 4.2-5, 4.2-6, and 4.2-7.

Biological Resources: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.3-5, 4.3-6 and 4.3-9.

Cultural Resources: The following specific impact was found to be less than significant: 4.4-5.

Hazards and Hazardous Materials: The following specific impact was found to be less than significant: 4.5-2.

Hydrology and Water Quality: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.6-3, 4.6-5, and 4.6-6.

Land Use and Planning: The following specific impacts were found to be less than significant: 4.7-1 and 4.7-2.
Noise: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.8-2, 4.8-3, 4.8-4, 4.8-6, 4.8-7, 4.8-8, and 4.8-9.

Population and Housing: The following specific impacts were found to be less than significant: 4.9-1, 4.9-2, and 4.9-3.

Public Services and Recreation: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.10-1, 4.10-2, 4.10-3, 4.10-4, 4.10-5, and 4.10-6.

Transportation and Circulation: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.11-1, 4.11-2, 4.11-3, 4.11-4, 4.11-5, 4.11-6, 4.11-10, 4.11-11, 4.11-12, 4.11-13, and 4.11-14.

Utilities and Service Systems: The following specific impacts were found to be less than significant or less than cumulatively considerable: 4.12-1, 4.12-2, 4.12-3, 4.12-4, 4.12-5. The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the project.
- The EIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact.
- The EIR determined that the impact is beneficial (would be reduced) for the project.
- The EIR determined that the cumulative impact was fully addressed in the General Plan EIR and that the project would not result in new or expanded cumulative impacts.

VI. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

The State CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the project or its location. Nine alternatives to the proposed project were developed based on City of Davis staff and City Council input, input from the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the proposed project. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project.

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether project alternatives can address potentially significant impacts. However, where all significant impacts can be substantially lessened, in this case to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed project, as mitigated (Public Resources Code Section 21002; Laurel Hills Homeowners Association v. City Council (1978 83 Cal.App.3d 515, 521. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 730-733; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403).
Because all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the proposed project would not result in any significant and unavoidable impacts. Consequently, findings related to the feasibility of project alternatives are not required. However, the City Council has considered the alternatives to the Project and finds based on substantial evidence in the record that the Project is the best alternative in consideration of the Project’s benefits and the ability, as demonstrated in the EIR, to mitigate each of its significant impacts to a less-than-significant level. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.

VIII. CONCLUSION
The Davis City Council has considered information contained in the EIR prepared for the proposed Lincoln40 Project as well as the public testimony and record of proceedings in which the project was considered.

Based on the foregoing findings and the information contained in the record, the City Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed Lincoln40 Project have been eliminated or reduced to a less-than-significant level.

2. There are no feasible alternatives to the proposed Lincoln40 Project, which would both mitigate or substantially lessen Project impacts and provide the benefits of developing this dense residential infill project in close proximity to the University of California, Davis, on the project site.

3. As a separate and additional basis for determining that the Project as approved is consistent with CEQA, an analysis was prepared that demonstrates the Project qualifies as a sustainable communities project pursuant to Section 21155.1 of the Public Resources Code. As a sustainable communities project, an EIR was not required for the Project.

Because the Project is both exempt from CEQA review pursuant to Section 21155.1 of the Public Resources Code and an EIR was nevertheless prepared for the Project, both a Notice of Exemption and Notice of Determination will be filed by the City with the County Clerk.
4 MITIGATION MONITORING AND REPORTING PROGRAM

EXHIBIT B
Mitigation Monitoring and Reporting Plan

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Lincoln40 Project. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Lincoln40 Project prepared by the City of Davis. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR that was prepared for the proposed project.

The Lincoln40 Project EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Davis. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.

### 4.3 Mitigation Monitoring and Reporting Program

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.
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| 4.2-3         | Expose sensitive receptors to substantial pollutant concentrations.    | **4.2-3** Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that all off-road diesel-powered equipment over 25 horsepower to be used in the construction of the project (including owned, leased, and subcontractor equipment meet California Air Resources Board (CARB) Tier 4 emissions standards or cleaner. The plans shall be submitted for review and approval to the Department of Community Development and Sustainability. In addition, all off-road equipment working at the construction site must be maintained in proper working condition according to manufacturer’s specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB.  

*Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB*  

*Idling shall be limited to five minutes or less for all on-road related and/or delivery trucks in accordance with CAB’s On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation.* | City of Davis Department of Community Development and Sustainability | Prior to approval of grading plans |
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<td>4.3-1</td>
<td>Have a substantial adverse effect, either directly or through</td>
<td>Clear signage regarding idling restrictions should be placed at the entrances to the construction site.</td>
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<td>habitat modifications, on Swainson’s hawk.</td>
<td></td>
<td>City of Davis Community Development and Sustainability</td>
<td>Prior to and during construction activities occurring between February 1 and August 31</td>
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4.3 Biological Resources

4.3-1(a) For construction activities occurring between February 1 and August 31, the project applicant shall retain a qualified biologist to conduct surveys for Swainson’s hawk in accordance with the Swainson’s Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000) or currently accepted guidance/industry standards, subject to review and approval by the Department of Community Development and Sustainability. Surveys shall encompass a 0.25-mile minimum radius around the construction area. If Swainson’s hawk and/or Swainson’s hawk nests are not observed during the survey, further mitigation is not required. If nesting Swainson’s hawks are detected, a 0.25-mile, no-disturbance buffer should be established, depending on location. The buffer shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. The buffer distance may be reduced in consultation with CDFW and the Department of Community Development and Sustainability if an adequate visual buffer exists between the construction and an active...
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<td>nest, and if the nesting pair is not disturbed by the noise and activity on the construction site. This is done on a case-by-case basis if a nest has been established prior to or during construction.</td>
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<td>4.3-1(b)</td>
<td>If an active Swainson’s hawk nest is found within the project site and the nesting tree is to be removed during construction activities, removal shall take place only after (1) the qualified biologist has determined that the young have fledged (typically by August 31st) and are no longer reliant upon the nest or parental care for survival, and (2) outside of the Swainson’s hawk nesting season (February 1 to August 31). If any nesting tree is removed, a tree replacement plan shall be prepared, in consultation with CDFW and the Department of Community Development and Sustainability, to replace the nest trees. The tree replacement plan shall require the nesting tree(s) be replaced on a 1:1 basis and planted at an on-site or off-site location selected by the project applicant in consultation with CDFW and the Department of Community Development and Sustainability. The tree replacement plan shall also require that a qualified biologist monitor any replacement trees on an annual basis for five years to ensure the survivability of replacement trees. Results of the monitoring shall be submitted to the City of Davis Department of Community Development and Sustainability. CDFW.</td>
<td>During construction activities if Swainson’s hawk nests are found and the nesting tree is to be removed.</td>
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| 4.3-2         | Have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl | 4.3-2(a) The project applicant shall implement the following measures to avoid or minimize impacts to western burrowing owl:  
  - No more than 14 days prior to initiation of ground disturbing activities, the project applicant shall retain a qualified burrowing owl biologist to conduct a take avoidance survey of the proposed project site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012, CDFW’s Staff Report on Burrowing Owl Mitigation guidelines. If the survey does not identify any nesting burrowing owls on the proposed project site, further mitigation is not required. The take avoidance survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review. The survey periods and number of surveys are identified below:  
    o If construction related activities | City of Davis Department of Community Development and Sustainability | No more than 14 days prior to initiation of ground disturbing activities |
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<td><strong>commence during the non-breeding season (1 September to 31 January), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.</strong></td>
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<td><strong>If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.</strong></td>
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<td><strong>If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three take avoidance surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after</strong></td>
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<td>15 June.</td>
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<td>o Because the owls are known to occur nearby and may take up occupancy on a site under construction, the take avoidance survey shall be conducted prior to the start of any new phase, and/or if construction-related activity is delayed or suspended for more than 30 days.</td>
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<td>o If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures consistent with the applicable portions of the March 7, 2012, CDFW’s Staff Report on Burrowing Owl Mitigation guidelines. If needed, as determined by the biologist, the formulation of avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on-site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized under a CDFW-approved burrow exclusion plan.</td>
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<td>Implementation Schedule</td>
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<td>4.3-2(b)</td>
<td>If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat at a ratio of 2.5 acres of higher quality owl habitat for every one acre of suitable owl habitat disturbed. The calculation of habitat loss may exclude acres currently occupied by hardscape or structures. Such mitigation may include the permanent protection of land that is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. A record of the compensatory mitigation provided by the project applicant shall be submitted to the City of Davis Department of Community Development and Sustainability prior to initiation of ground disturbing activities.</td>
<td>City of Davis Department of Community Development and Sustainability</td>
<td>If active owl burrows are present, prior to initiation of ground disturbing activities</td>
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<td>4.3-3</td>
<td>Have a substantial adverse effect, either directly or through habitat modifications, on raptors, nesting birds, or other birds protected under the 4.3-3 The project applicant shall implement the following measures to avoid or minimize impacts to white-tailed kite, other raptors, and protected migratory bird species: • If any site disturbance or construction activity for any phase of development</td>
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<td>City of Davis Department of Community Development and Sustainability</td>
<td>Any site disturbance or construction activity for any phase of development during the</td>
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| MBTA.         |        | begins outside the February 1 to August 31 breeding season, a preconstruction survey for active nests shall not be required.  
- If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 500-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures are not necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.  
- If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed |
|               |        |                    |                   | February 1 to August 31 breeding season |          |
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|               |        | *bird is found, the project applicant shall immediately:*
|               |        | o Stop all work within a 100-foot radius of the discovery. |
|               |        | o Notify the City of Davis Department of Community Development and Sustainability. |
|               |        | o Do not resume work within the 100-foot radius until authorized by the biologist. |
|               |        | o The biologist shall establish a minimum 500-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active. |

4.3-4 Have a substantial adverse effect, either directly or through habitat modifications, on special-status bats. | 4.3-4 Before ground disturbance is initiated, a qualified biologist shall conduct a habitat assessment survey to determine whether the removal of trees greater than 10 inches in diameter at breast height (DBH) support bat roosts. Trees shall be surveyed within 14 days of ground disturbance. | City of Davis Department of Community Development and Sustainability | Within 14 days before the onset of construction |
days before the onset of construction. Surveys shall consist of daytime pedestrian surveys looking for potential roosting habitat such as branch and bole hollows, exfoliating bark and other crevices and cavities, and may include an evening emergence survey with acoustic equipment to note the presence or absence of bats. The emergence survey is necessary to survey for foliage-roosting bat species (western red bat and hoary bat). The three special-status bat species potentially occurring on the site should be identifiable utilizing acoustic equipment.

If bats are not acoustically detected and potential roosting habitat is not identified, then further study and mitigation is not required. If evidence of bat use is detected, the biologist shall determine the approximate number and species of bats using the roost, and roost type (i.e., individual or maternity roost). A 100-foot buffer shall be created around the roost and project-related activities shall not occur within the buffer until after one of the steps below is performed:

- A qualified biologist has determined that the roost is no longer in use.
- A qualified biologist determines that bat exclusion is feasible and confirms that all bats have been excluded from
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| 4.3-7         | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. | *The project applicant shall implement the following tree preservation measures prior to and during construction for all trees to be preserved on the proposed project site:*  
- Tree Protection Zones (TPZs): The surveyed trunk locations and TPZs / | City of Davis Department of Community Development and Sustainability | Included in the notes on construction drawings. Prior to and during construction and demolition |
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<td>Tree protection fencing shall be indicated on all construction plans for trees to be preserved;</td>
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<td>• Modified TPZs: Modified TPZs are areas where proposed infrastructure is located within protection zones. These Modified TPZs and fencing shall be indicated as close to infrastructure as possible (minimize overbuild);</td>
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<td>• The Consulting Arborist shall revise development impact assessment (as needed) for trees to be preserved once construction plans are drafted;</td>
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<td>• Grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste, or washout, or any other disturbance within TPZs shall be avoided to the maximum extent feasible.</td>
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<td>• Any work that is to occur within the TPZs shall be monitored by the Consulting Arborist;</td>
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<td>• A meeting shall be conducted to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors, and project managers prior to the initiation of demolition and construction activities;</td>
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<td>• Prior to any demolition activity on-</td>
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<td>Site, tree protection fencing shall be installed in a circle centered at the tree trunk with a radius equal to the defined TPZ as indicated in the Arborist Report;</td>
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<td>Tree protection fences should be made of chain-link with posts sunk into the ground, and shall not be removed or moved until construction is complete;</td>
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<td>Any pruning shall be performed per recommendations in the Arborist Report by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance should be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist;</td>
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<td>If roots larger than 1.5 inches or limbs larger than 3 inches in diameter are cut or damaged during construction, the Consulting Arborist shall be contacted immediately to inspect and recommend appropriate remedial treatments;</td>
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<td>All trees to be preserved shall be irrigated once every two weeks, spring through fall, to uniformly wet the soil to a depth of at least 18 inches under and beyond the canopies of the trees.</td>
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The tree preservation measures shall be
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<td>included in the notes on construction drawings.</td>
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<td>Included in the notes on construction drawings. Prior to and during construction and demolition activity</td>
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4.3-7(b) The project applicant shall implement the following tree protection measures prior to and during construction to avoid or minimize impacts to cork oak trees #40 and #41:

- All work within the protection zones of the trees shall be supervised by the Consulting Arborist;
- Overbuild for the building is to be limited to the path surrounding the building (use shoring as needed);
- The grading limits of the building closest to the trunk within the protection zone of tree #40 shall be excavated with water and any roots two inches or larger shall be pre-cut prior to excavation;
- The TPZ of trees #40 and #41 (except for the grading area) are to be fenced off prior to demolition and through the construction period and protected from soil disturbance;
- Concrete walkways are to be installed on grade without soil scarification;
- Walls are to be installed on grade on piers avoiding roots greater than two inches in diameter;
- A drip irrigation system (emitters on
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<td>4.3-8</td>
<td>Conflict with an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan.</td>
<td>two-foot centers in the Tree Protection Zone where possible) shall be installed under four inches mulch, which shall be maintained at that thickness; and The Consulting Arborist shall inspect the trees throughout the construction period and every spring and summer for at least three years following the end of construction. The inspections would include an assessment of, and recommendations to improve, tree health, preservation measures, and irrigation management. The results of each inspection shall be submitted to the City of Davis Department of Community Development and Sustainability. The tree preservation measures shall be included in the notes on construction drawings.</td>
<td>City of Davis Department of Community Development and Sustainability</td>
<td>If the Yolo HCP/NCCP is adopted prior to initiation of any ground disturbing activities for any phase of development associated with the proposed project, the project applicant shall comply with the mitigation/conservation requirements of the Yolo HCP/NCCP, as applicable. The project applicant, the City of Davis Department of Community Development and Sustainability</td>
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<td><em>Development and Sustainability, and a representative from the YHC shall ensure that all mitigation/conservation requirements of the HCP/NCCP are adhered to prior to and during construction. To the extent there is duplication in mitigation for a given species, the requirements of the HCP/NCCP shall supersede.</em></td>
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### 4.4 Cultural Resources

| 4.4-1         | Cause a substantial adverse change in the significance of a historical resource. | 4.4-1 | If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. The archaeologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal | City of Davis Department of Community Development and Sustainability | During grading and construction activities |          |
|              |                                               |       |                                | Yocha Dehe Wintun Nation | The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the Lincoln40 project site. |          |
evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photodocumentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.

Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information

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<td>evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photodocumentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.</td>
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### MITIGATION MONITORING AND REPORTING PROGRAM
### LINCOLN40 PROJECT

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<td>Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory.</td>
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<td>Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1(k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun...</td>
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<td>4.4-2</td>
<td>Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.</td>
<td>4.4-2 Implement Mitigation Measure 4.4-1.</td>
<td>City of Davis Department of Community Development and Sustainability</td>
<td>See Mitigation Measure 4.4-1</td>
<td>See Mitigation Measure 4.4-1</td>
</tr>
<tr>
<td>4.4-3</td>
<td>Directly or indirectly destroy a unique paleontological resource or unique geologic feature on the project site.</td>
<td>4.4-3 If any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of</td>
<td>City of Davis Department of Community Development and Sustainability</td>
<td>During grading and construction activities</td>
<td>The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for</td>
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### Mitigation Monitoring and Reporting Program
#### Lincoln40 Project

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| 4.4-4         | Cause a substantial adverse change in the significance of a unique archeological resource or tribal cultural resource as defined in CEQA Guidelines, Section 15064.5, Public Resource Code Section 5020.1 (k), or Public Resource Code Section 21074 or disturb any human remains, including those interred outside of formal cemeteries. | 4.4-4(a) Implement Mitigation Measure 4.4-1.  
4.4-4(b) If human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation must be contacted within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the “most likely descendant(s)” (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in Resolution No. 18-040. | See Mitigation Measure 4.4-1  
Yolo County Coroner  
Native American Heritage Commission  
Yocha Dehe Wintun Nation | See Mitigation Measure 4.4-1  
During grading and construction activities | Lincoln40 project site, where excavation work would be required. |
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<td>4.5-1</td>
<td>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</td>
<td>4.5-1(a) Prior to issuance of a demolition permit by the City for any on-site structures, the project applicant shall provide a site assessment that determines whether any structures to be demolished contain lead-based paint. If structures do not contain lead-based paint, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Engineer.</td>
<td>City Engineer</td>
<td>Prior to issuance of a demolition permit</td>
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<td>4.5-1(b) Prior to issuance of a demolition permit by the City for any on-site structures, the project applicant shall provide a site assessment that determines whether any structures to be demolished contain asbestos. If structures do not contain asbestos, further mitigation is not required. If asbestos-containing materials are</td>
<td>City Engineer</td>
<td>Prior to issuance of demolition permit</td>
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<td>City Building Official</td>
<td>YSAQMD</td>
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Public Resources Code 5097.98.
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<td>detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</td>
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<td>Implementation of the asbestos abatement plan shall include the removal and disposal of the asbestos-containing materials by a licensed and certified asbestos removal contractor, in accordance with local, State, and federal regulations. In addition, the demolition contractor shall be informed that all building materials shall be considered as containing asbestos. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing asbestos in accordance with local, State, and federal regulations subject to the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</td>
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## 4.6 Hydrology and Water Quality

4.6-1 Violate any water quality standards or waste discharge requirements, provide substantial additional

4.6-1 Prior to initiation of any ground disturbing activities, the project applicant shall prepare a SWPPP, and implement BMPs that comply with the Stormwater Construction General Permit from the RWQCB, to reduce water and

City of Davis Department of Community Development and

Prior to initiation of ground disturbing activities
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<tr>
<td>4.6-2</td>
<td>Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality during construction.</td>
<td>RWQCB</td>
<td>Prior to issuance of building permits.</td>
<td>City of Davis Public Works Department</td>
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**Impact:**
- Sources of polluted runoff, or otherwise substantially degrade water quality through erosion during construction.

**Mitigation Measure:**
- Such BMPs may include but not be limited to:
  - Temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, check dams, and temporary erosion control measures during grading activities.
  - Disturbed soil during grading activities, temporary revegetation, suspended grading or dirt disturbing activities during wind events in excess of 25 mph, stabilized construction entrances, and suspended grading or dirt disturbing activities during wind events in excess of 25 mph.
  - Good housekeeping practices such as concrete washout facilities, containerizing construction materials, placing drainage protection on any drainage inlets on-site, and having still response kits on-site.

**SWPPP:**
- The SWPPP shall be kept on-site and implemented during construction activities and shall be made available upon request to representatives of the City of Davis and/or RWQCB.
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<td>operations.</td>
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<td>Demand, and the Lincoln40: Drainage Evaluation for 2-Year and 10-Year Events memoranda prepared for the project and shall be subject to review and approval by the Public Works Department.</td>
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<td>4.6-4</td>
<td>Substantially alter the existing drainage pattern of the site or area, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.</td>
<td>4.6-4 Implement Mitigation Measure 4.6-2.</td>
<td>See Mitigation Measure 4.6-2</td>
<td>See Mitigation Measure 4.6-2</td>
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### 4.8 Noise

| 4.8-1         | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. | 4.8-1 Prior to issuance of any grading permit, the applicant shall submit proposed noise-reduction practices (to ensure individual piece of equipment shall not produce a noise level exceeding 83 dBA at a distance of 25 feet and the noise level at any point outside the property plane of the project shall not exceed 86 dBA), for review and approval by the Department of Community Development | City of Davis Department of Community Development and Sustainability | Prior to issuance of any grading permit |
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**LINCOLN40 PROJECT**

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<td>4.8-5</td>
<td>Railroad noise at new sensitive receptors.</td>
<td><strong>4.8-5(a) Prior to building permit issuance, the applicant shall retain an expert acoustical consultant to perform a focused noise analysis to evaluate interior noise levels taking into consideration final building materials, any adjustments to building locations, façade and fenestration</strong></td>
<td>City of Davis Department of Community Development and Sustainability</td>
<td>Prior to building permit issuance</td>
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and Sustainability. One or more of the following measures shall be utilized to reduce the impact of construction noise (below the above stated single-source and property boundary standards):

- Electric construction equipment as an alternative to diesel-powered equipment.
- Sound-control devices on construction equipment.
- Muffled exhaust on construction equipment.
- Construction equipment staging and operation setbacks from nearby sensitive receptors.
- Limits on idling time for construction vehicles and equipment.
- Installation of acoustic barriers around stationary construction noise sources.
- Installation of temporary barriers between the project site and adjacent sensitive receptors.
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<td>improvements, etc. to determine if the final site and building plans would result in interior noise levels with the potential to exceed the standard of 45 dB $L_{dn}$. The focused noise analysis results shall be submitted for review and approval by the Department of Community Development and Sustainability.</td>
<td>City of Davis Department of Community Development and Sustainability</td>
<td>Prior to issuance of building permit</td>
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4.8-5(b) If the final site and building plans result in interior noise levels with the potential to exceed the standard of 45 dB $L_{dn}$ within one or more residential units, then windows facing the railroad tracks for all such residential units shall include appropriately-rated STC windows, as determined by the acoustical consultant.

### 4.11: Transportation and Circulation

| 4.11-7 | Impacts associated with Construction Vehicle Traffic. | 4.11-7 Before commencement of any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Caltrans, Unitrans, Yolobus, and local emergency service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include: | City of Davis Department of Public Works | Before commencement of any construction activities | |

Resolution No. 18-040
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<td>• The number of truck trips, time, and day of street closures;</td>
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<td>• Time of day of arrival and departure of trucks;</td>
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<td>• Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;</td>
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<td>• Provision of a truck circulation pattern;</td>
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<td>• Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);</td>
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<td>• Maintain safe and efficient access routes for emergency vehicles;</td>
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<td>• Manual traffic control when necessary;</td>
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<td>• Proper advance warning and posted signage concerning street closures; and</td>
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<td>• Provisions for pedestrian safety.</td>
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A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would...
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| 4.11-8       | Impacts to study intersections under the Cumulative Plus Project scenario. | **4.11-8** Prior to approval of the Lincoln40 Improvement Plans, the plans shall show the extension of the existing westbound Olive Drive bicycle lane an additional 145 feet from its current terminus on East Olive Drive to the intersection of Richards Boulevard/Olive Drive. The East Olive Drive lane configuration shall include the following as shown in the Exhibit below:  
- A westbound bike lane (7 feet);  
- A westbound shared through / right-turn lane (10 feet);  
- A westbound left-turn lane (10 feet);  
- An eastbound travel lane (10 feet);  
- An eastbound bike lane (7 feet).  
The applicant shall construct the striping improvements prior to issuance of a certificate of occupancy. As part of this improvement, the coordinated traffic signals between First Street / D Street and Richards Boulevard / Research Park Drive shall be re-timed to provide efficient traffic flow. | City Department of Public Works | Prior to approval of Improvement Plans |                                        |
| 4.11-9       | Impacts to study freeway segments under the Cumulative Plus Project scenario. | **4.11-9** Implement Mitigation Measure 4.11-8. | See Mitigation Measure 4.11-8 | See Mitigation Measure 4.11-8 |                                        |
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<td>VI c.d.</td>
<td>Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?</td>
<td><strong>VI-1.</strong> The following requirements, identified in the Geotechnical Investigation for the Lincoln40 Project, shall be shown on the project grading and foundation plans, subject to review and approval by the City engineer:</td>
<td>City Engineer</td>
<td>Prior to approval of grading and foundation plans</td>
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- Remedial grading in the form of partial removal and re-compaction of soils is required in order to reduce the potential for adverse post-construction settlement and to allow the use of conventional shallow foundations for the proposed buildings. Specific remedial grading and foundation recommendations are provided in the Geotechnical Investigation.
- Proper moisture conditioning during site grading (see Geotechnical Report Sections 7.5.10 thru 7.5.13): extending footings below the zone of seasonal moisture fluctuation (i.e., top 18 inches of soil); and placing low-expansive material, such as Class 2 Aggregate Base (AB) below concrete flatwork and other exterior slabs is required.
- Complete removal of existing structures, foundations, underground...
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<td><em>utilities, and septic tanks/leach fields (if present).</em></td>
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