

## Nicholas Villarreal

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**From:** Eric Edelmayer <EEdelmayer@JacksonProp.com>  
**Sent:** Wednesday, June 10, 2020 5:04 PM  
**To:** Planning Commission; Sherri Metzker; Cheryl Essex  
**Subject:** Davis Innovation & Sustainability Campus

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

On behalf of Jackson Properties, I am writing to support the Davis Innovation & Sustainability Campus. We believe this is the right project for the City of Davis, Yolo County and the Greater Sacramento Region. DISC is a project that will provide high paying jobs, valuable research and societal benefits, improvements to public infrastructure and significant tax revenue for the City. In these difficult and uncertain times it is essential that the City support this innovative, responsible and sustainable type of development.

Thank you,



**Eric Edelmayer** | President  
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***Between stimulus and response there is space. In that space is our power to choose our response.***

***In our response lies our growth and our freedom.***

***Viktor Frankl***

*Dan Ray*  
*2504 Bueno Drive*  
*Davis CA 95616*

April 24, 2020

Sherri Metzker, Principal Planner

City of Davis Department of Community Development and Sustainability

23 Russell Boulevard

Davis, CA 95616

Via e-mail to: [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)

Re Inadequacies of the Aggie Research Campus draft SEIR

Dear Ms. Metzker:

I have reviewed the draft EIR on the business park and multifamily housing complex proposed at the intersection of Mace Boulevard and County Road 32A. I find it inadequate in its consideration of alternatives, its discussion of urban and economic decay and conflicts with the general plan, and in its opportunities for meaningful public involvement.

**MY QUALIFICATIONS.** By way of introduction, I am a recently retired planner and a lifetime member of the American Institute of Certified Planners, the professional association of land use planners. Over the course of my career, I have overseen preparation of dozens of CEQA documents and reviewed and commented on scores more. Moreover, I'm old enough to recall CEQA's passage and early implementation, including the hope that it would improve decision making about our environment by "identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects (Public Resources Code sec 21002). Fostering "informed decision making and public participation" is a key to the law's effectiveness (CEQA Guidelines section 15126.6).

The draft report fails in fulfilling these intentions, because it does not fully describe the alternatives available to the city to meet office space, manufacturing, and housing objectives that the project purports to advance, misdescribes changes in circumstances affecting the environmental setting of the project and its alternatives subsequent to certification of its initial EIR, does not fully describe the project's effects, and does not

fully convey comments received during scoping of the document. Because of the corona-virus shutdown of city offices and the public library, important information underlying the EIR is unavailable to some members of the public and opportunities for involvement are constrained. City staff has not responded to requests for information. A veneer of legalisms is not a pretext for failing to fulfill these fundamental purposes of the EIR.

**THE INFILL ALTERNATIVE IS IMPROPERLY DISMISSED.** Among the significant changes in circumstances since certification of the Final MRIC EIR is the drafting of the Downtown Davis Specific Plan. The draft SEIR acknowledges the Downtown Davis Specific Plan in several sentences, but fails to assess how it facilitates alternatives that can help attain many of the project's objectives:

Space is available for office/R&D development. Enough land is or will be available on existing commercially- or industrially-zoned parcels or through the Downtown Davis Specific Plan to accommodate 1.6-2.0 million square feet of the office and commercial space proposed to be accommodated at the project site. The Downtown Davis Specific Plan would provide space for construction of 450,000 square feet of office space (SEIR p 3-309), much of which is anticipated to be office/R&D oriented. The draft SEIR reports that there are an additional 124 acres of vacant commercially-zoned land within the city. According to the city's Business Park Land Strategy<sup>1</sup>, 11 of these sites, not including the former ConAgra site, are large or medium sites totaling over 100 acres that can accommodate 1.2-1.5 million square feet of office or commercial space. At a rate of 128,000 to 175,000 square feet of office/R&D space absorbed annually for an innovation center, as forecast in BAE Urban Economics *Economic Evaluation of Innovation Park Proposals*<sup>2</sup>, these available sites, including those available through implementation of the draft Downtown Davis Specific Plan, could accommodate over a decade's worth of office and R&D development. The draft Downtown Davis Specific Plan can also accommodate the hotel and 1000 new residential units by 2040<sup>3</sup>. Even more land for office and R&D development may become available should bankrupt PG&E or its successor choose to repurpose its underutilized east Davis corporation yard.

An infill alternative can meet most of the City's objectives:

- Right sized. These existing sites and planned downtown development opportunities meet many of the objectives spelled out in the draft SEIR (p. 3-5). They can accommodate space for research/incubator startups because, although some of the sites are not large, many of the businesses the city hopes to attract are expected to

<sup>1</sup> <http://economic-development.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Innovation-Park-Task-Force-Committee/Documents/Final-Business-Park-Land-Strategy-2010-10-27.pdf>

<sup>2</sup> April 11,2016 Staff Report to the Finance and Budget Committee regarding MRIC Project – annualized Fiscal Impact analysis and Land Economics Analysis

<sup>3</sup> <file:///C:/Users/Daniel/Documents/Dan's%20word%20files/DraftDowntownDavisSpecific.pdf>

also be small, independent entrepreneurs. Others existing sites are larger, able to accommodate more established companies.

- UC Davis proximity. By focusing office and R&D space in downtown Davis and existing sites, an infill alternative would strengthen partnerships with UC Davis, which is a 3 minute bicycle ride and a 5 minute walk to downtown rather than the 20 minute bus or bicycle ride to the project site, according to Google maps.
- Suitable for many uses. Together, existing commercially and industrially zoned properties and downtown R&D space can accommodate many types of uses that could proposed on the project site. With its easy access to UCD, the new hotel proposed in the draft Downtown Davis Specific Plan and 100s of existing hotel rooms, the downtown is also capable of hosting the corporate travelers and educational conferences proposed at the project site. The diversity of uses and spaces downtown and other suitably-zoned sites facilitates the “live, work, play” concept and create the opportunity for interaction and cross pollination that the city seeks.
- Superior planning and design. The form-based zoning of the draft Downtown Davis Specific Plan coupled with the high standards of Davis’ planning processes will facilitate the superior site planning, architectural design, traffic management, and environmental controls the city seeks.
- Smart circulation. The walk- and bike-ability of the downtown and existing Davis neighborhoods will internalize trips and minimize impacts on local roadways, especially already overburdened Mace Boulevard and Second Street, which would become high traffic routes from UCD through quiet east Davis neighborhoods to the project site.

Agricultural and seed research facilities, like those illustrated by the pretty pictures of greenhouses in project promotional materials, are already allowed at the project site and elsewhere in Yolo County agricultural zones by use permit<sup>4</sup>. Many opportunities for siting them are available. No annexation nor general plan and zoning amendment is needed to accommodate them. Only the advanced manufacturing uses proposed at the project site would be ill-suited for some infill sites.

As a reasonable alternative, an infill alternative must be fully evaluated. The CEQA Guidelines section 15126.6 is not a shield behind which the evaluation of an infill alternative can be hidden. The guidelines aren’t an ironclad rule governing the nature or scope of the alternatives. Rather, the selection of alternatives ought to be guided by the rule of reason<sup>5</sup>. The guidelines require consideration of “reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic

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<sup>4</sup> <https://www.yolocounty.org/home/showdocument?id=50634>

<sup>5</sup> Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376

objectives of the project but would avoid or substantially lessen any of the significant effects of the project” (CEQA Guidelines section 15126.6).

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening significant effects of the project. The guidelines require consideration of these alternatives even if they would impede to some degree the attainment of the project objectives or would be more costly. Rather, the alternatives must include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. While the guidelines allow consideration of whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent), they neither require that consideration nor make it the primary criterion for alternative evaluation.

As demonstrated above, an infill alternative, including consideration of opportunities provided by the draft Downtown Davis Specific Plan, can meet most of the city’s basic objectives, in many cases better than the project as proposed. That the infill alternative isn’t able to accommodate all the project’s proposed development on a single 200 acre site is no defense (whether or not the City has ever endorsed that objective), because the infill alternative can lessen or avoid impacts on agriculture, transportation, land use, and urban decay. The guidelines also require that evaluation of potential alternatives consider general plan consistency, other plans, and jurisdictional boundaries<sup>6</sup>. which In this case the proposed project violates by requiring a general plan amendment, conflicting with the County’s agricultural general plan designation for the site, and requiring changes in both the city’s sphere of influence and annexation of the property. No evidence supports a conclusion that an infill alternative, including development facilitated by the draft Downtown Davis Specific Plan, is *infeasible*.

**THE PROJECT UNDERMINES EFFORTS TO PREVENT OF URBAN AND ECONOMIC DECAY.** The draft SEIR errs when it asserts that the project will not contribute to urban and economic decay. A reason underlying this error is the failure to acknowledge the preparation of the draft Downtown Davis Specific Plan as a significant change in circumstances affecting the project. Another reason is its failure to compare an infill alternative to the proposed project.

Those of us who live in Davis can observe the changes in downtown. Diverse retailers serving residents and students, including clothing, home supplies, restaurants at a variety of price points, and professional services, are being replaced with low value food services serving primarily university students. Circulation is impaired. More and more

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<sup>6</sup> Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553; see Save Our Residential Environment v. City of West Hollywood (1992) 9 Cal.App.4th 1745, 1753, fn. 1.

Davis residents avoid downtown in favor of retailers in peripheral shopping centers. Too many storefronts are vacant.

The draft Downtown Davis Specific Plan identifies fundamental weaknesses undermining the downtown's future vitality. These include a lack of regional identity and relevance, an economy in transition, weak urban design, inadequate housing, and outmoded infrastructure. The solution that the draft Downtown Davis Specific Plan proposes for this downtown decay is more intense and carefully designed development, guided by simplified form-based zoning and more modern circulation options. As described above, among the plan's outcomes would be 450,000 square feet of office space, much of which is anticipated to be R&D oriented, 150,000 square feet of retail commercial space, and a 150-room hotel.

The proposed project would undermine the draft Downtown Davis Specific Plan and its efforts to sustain a vital downtown by drawing much of this potential development away from the downtown to a freeway-oriented business park on Davis' periphery. For example, the R&D oriented office and laboratory space proposed in the project could absorb all the demand for such space projected in downtown Davis and other existing Davis neighborhoods for the first critical decade of the Downtown Davis Specific Plan. The proposed project would also draw away retail uses and housing that might otherwise be associated with this downtown office and R&D development, because as the draft SEIR notes, these retail and housing uses respond to additional internal demand generated by the project. For example, despite the draft SEIR's hope that the project's retail uses would not compete with downtown or neighborhood shopping centers, would workers and residents of the proposed project prefer shops and restaurants in downtown Davis if they are 20 minutes away from their worksite and homes on the city's periphery?

The draft SEIR concedes some of the project's contribution to urban and economic decay. For example, the draft SEIR posits that 313,000 square feet of space occupied by Davis' R&D/technology oriented business may relocate from currently occupied space to the proposed project, abandoning about a seventh (14 percent) of the City's currently occupied office and industrial space<sup>7</sup>. This contribution to urban decline is also verified by ALH Economics' finding that an "increment of existing office and industrial space is at risk of sustained vacancy" following the proposed project's development (draft SEIR p. 3-182). According to the MRIC draft EIR, even more vacancies at currently leased office space could occur if UC Davis relocates offices from currently leased space to the project site<sup>8</sup>.

By undermining the future vitality of downtown Davis, as envisioned in the draft Downtown Davis Specific Plan, and causing the vacancy of about a seventh of the city's

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<sup>7</sup> See Tables 16 and 17 in <https://www.cityofdavis.org/home/showdocument?id=7985>

<sup>8</sup> [http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/4.10\\_Land%20Use%20and%20Urban%20Decay.pdf](http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/4.10_Land%20Use%20and%20Urban%20Decay.pdf)

existing occupied industrial and office space, the project will contribute to urban and economic decay, contrary to the draft SEIR's assertion that it will not (p. 3-181).

Perhaps the draft SEIR's conclusion relies on its hope that the owners of Davis' industrial and office space will happily expend their "financial wherewithal" on continued maintenance of buildings vacated by tenants relocating to the project, "until such time as additional demand was generated due to economic growth and expansion". No evidence buttresses this expectation. Certainly, the current corona virus-induced economic panic, accompanied by forecasts of a years-long Depression worse than that of the 1930s, is no harbinger of the SEIR's optimistic forecast.

Alternatives and mitigations proposed in the draft SEIR are not adequate to avoid this damage. An infill alternative could avoid them, but as noted above the draft SEIR improperly fails to evaluate it. A mitigation measure that required phasing of the project to pace its buildout with development of downtown Davis office space and vacancy rates in other office and industrial space in Davis may be helpful but is not considered. Both measures deserve study before the SEIR is finalized. The sole measure that is proposed, to require a subsequent demonstration that there is sufficient demand for the proposed project's hotel to justify its construction, is insufficient because it does not prevent hotel development at the site that captures demand that would otherwise contribute to the feasibility of a downtown hotel and the vitality of downtown Davis, as envisioned in the draft Downtown Davis Specific Plan. This measure should be revised accordingly.

**THE PROJECT'S FUNDAMENTAL CONFLICTS WITH DAVIS' GENERAL PLAN ARE UNASSESSED.** CEQA's guidelines require consideration of conflicts with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project including the general plan<sup>9</sup>. The draft SEIR, like the its predecessor Mace Ranch EIR, fails in describing these conflicts because its focuses on only detailed provisions of Davis' general plan, while avoiding discussion of the plan's underlying principles.

A useful summary of the major visions, goals and policies in the general plan is provided in the Mayor's and city manager's *State of the City* report<sup>10</sup>: Key provisions relevant to the project include:

- Davis should remain a small, University-oriented town surrounded by farmland, greenbelt and natural habitat areas and preserves.
- The urban land uses designated on the General Plan land use map only contain the amount of land needed to accommodate the internally generated needs of its residents and the regional fair-share housing need.
- The Core would remain the retail/cultural/office center for the entire community designed at a pedestrian scale.

<sup>9</sup> <https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf>.

<sup>10</sup> <https://www.cityofdavis.org/home/showdocument?id=7985>

- University-related research businesses, administrative offices, and manufacturers using non-nuisance processes would be encouraged to locate in Davis.
- All resources would be preserved, conserved and enhanced or restored, if feasible, including prime farmland, natural habitat, historic, archaeology, scenic, water, air, minerals, parks, trees, drainage channel/ponds.

Many Davis' leaders and residents express this vision even more succinctly by saying "Davis should grow up, not out". These visions and goals reflect core values of most Davis' residents.

The draft SEIR fails to disclose the project's fundamental inconsistencies with many of these visions or to assess how alternatives, including the neglected infill alternative, could better achieve these general plan goals:

- By developing an off-ramp-oriented business park and housing development on the city's periphery, beyond the city's approved sphere of influence, it undermines the vision that Davis would remain a small, University-oriented town surrounded by farmland, greenbelt and natural habitat areas and preserves.
- By seeking to attract subsidiaries of larger, more established companies in Sacramento and/or the Bay area<sup>11</sup>, attracting larger increments of office and industrial space, and drawing to Davis businesses located in other regional locations like Woodland and West Sacramento<sup>12</sup>, the project conflicts with the general plan provisions that planned land uses should accommodate only the internally generated needs of Davis' residents.
- By undermining the vitality of the downtown and the implementation of the draft Downtown Davis Specific Plan, the project frustrates the vision that the core would remain the retail/cultural/office center for the entire community.
- The project converts prime farmland that is planned and zoned for continued agricultural use, rather than preserving and conserving it.

In its analysis of land use and planning, the draft SEIR emphasizes the picayune while neglecting the big picture. Other alternatives, including the reduced site size, the reduced project, and the improperly neglected infill alternative all better pursue the goal of encouraging University-related research businesses, administrative offices, and manufacturers to locate in Davis without the conflicts with the general plan's major visions, goals and policies that are inherent in the project proposed.

**INADEQUATE PUBLIC INVOLVEMENT.** State and local officials' orders to stay at home and avoid non-essential activities have hindered public involvement in the review

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<sup>11</sup> P. 3-5 in

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/Aggie%20Research%20Campus%20Draft%20Subsequent%20EIR.pdf>

<sup>12</sup> P. 3-182 at

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/Aggie%20Research%20Campus%20Draft%20Subsequent%20EIR.pdf>



of the draft SEIR. The public library that holds hard copies of the draft SEIR, its predecessors, and many background reports is closed, as are city offices, preventing careful review of SEIR by the seven percent of Davis residents who lack broadband internet<sup>13</sup> and those who are uncomfortable with computers. Communication and organizing among those interested in the draft SEIR is difficult, frustrated by the ban on table space at the farmers' market where community organizations might identify others concerned about the report, the closure of many conference rooms that might be used for gatherings to coordinate review of the project, and a ban on many meetings where reviews of the report could be shared, fact checked, and refined. Meetings of relevant city commissions occur only via teleconference, with constrained opportunities for public participation and inaccessible to those without broadband. Proceeding with review of such a significant project despite these limitations fails to meet CEQA's goal of fostering informed decision making and public participation.

Scoping comments ignored. On December 2, 2019, I attended an event billed by the city as a CEQA scoping meeting for the project, which was to provide opportunities to review the proposed project exhibits and submit written or oral comments on the scope of the SEIR<sup>14</sup>. I submitted written and oral comments about the scope of the SEIR at that meeting, which are neither reflected in scope of the draft now being circulated nor reported in the draft SEIR's Appendix A. I can only wonder how many others' input has been ignored in preparation of the draft SEIR.

Had the City heeded the suggestions I submitted then, many of the draft SEIR's inadequacies could have been avoided.

Sincerely,  
s/ Dan Ray

Attachment:

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<sup>13</sup> <https://www.census.gov/quickfacts/daviscitycalifornia>

<sup>14</sup> <https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/aggie-research-campus>

# City of Davis - Bicycling, Transportation and Street Safety Commission

## Proposed Transportation Baseline Features for Davis Innovation Sustainability Campus:

### **Parking Lots and Internal Streets, Housing, Transportation Demand Management, Site Access and Traffic Mitigation Features and general Mitigation Features**

The City of Davis (City) Bicycling, Transportation and Street Safety Commission (BTSSC) met on May 8, 2020 and formed a sub-committee on transportation baseline features for the proposed Davis Innovation Sustainability Campus (DISC; formerly known as the Aggie Research Campus) Project (Project). These draft features will be reviewed with the full BTSSC on June 11, 2020 with any resulting vote submitted to the appropriate city bodies, with a recommendation for the revised features to be included in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote. The draft of this sub-committee discussion is below.

The NRC and BTSSC have overlapping but also different mandates.

The following draft recommendations from the BTSSC’s baseline features subcommittee are intentionally based on the Natural Resource Commission (NRC) proposed environmental sustainability features - in the general area of transportation - which the NRC submitted to the Planning Commission on June 8, 2020. The draft recommendations match the NRC’s version, except where indicated in **bold text**.

BTSSC - DISC Transportation Baseline Features Sub-Committee: William (Joe) Bolte, Todd Edelman, Elizabeth (Lizzy) Hare.

### **Proposed environmental sustainability features for the Davis Innovation Sustainability Campus Project**

*Recommended for inclusion in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote*

**From a transportation perspective a successful development at this location will result in safe, equitable, sustainable access to the site and through nearby corridors. The developer and MOA will prioritize access and parking area by the safety, sustainability, and space-efficiency of travel modes. In descending order of priority, these are walking, bicycling, micromobility, mass transit, high occupancy vehicles, electric vehicles.**

### Measurement and Verification

To ensure accurate tracking and reporting of achievement of Project sustainability goals and obligations, the Developer will establish a Master Owners Association (MOA) for the Project that reports to the City and is responsible for measurement of, verification of, and assuring compliance with Project sustainability obligations and mitigation measures. The MOA will prepare and submit for City approval a Sustainability and Mitigation ~~Monitoring~~ Reporting Plan. Per the Plan, the MOA will prepare and submit to the City

annual reports that describe progress towards meeting sustainability goals and obligations and implementing mitigation measures, including all relevant provisions in the Project's baseline features. Annual reports will also indicate what actions will be taken in the following year to meet phased actions as part of the sustainability goals and obligations and mitigation measures. **The Sustainability and Mitigation Reporting Plan shall include measurement of the project's GHG emissions and VMT per service population, and plans to keep them below standards in the City of Davis Climate Action Plan.**

### Parking Lots and Internal Streets

The desired outcomes of design features for the Project's parking lots and internal streets shall be to: ~~(1) encourage a mode shift from Single Occupancy Vehicles (SOVs) to walking, bicycling, public transit, private transit, ridesharing, carsharing, carpooling, and/or micromobility; (2) encourage use of zero-emission vehicles (e.g., electric vehicles) where SOV use is necessary as well as in any alternative transportation service that relies on passenger vehicles;~~ (3) reduce runoff and heat-island effects amplified by parking lots; and (4) reduce adverse visual, aesthetic, and quality-of-life impacts of working and living near parking lots. To further these desired outcomes, the developer shall implement the following features in its parking areas and/or along the Project's internal roadway system:

- **All parking shall be pre-wired for eventual specific assignment by the third phase of the project, with the exception of designated spots for disabled users.**
- **All off-street parking shall be in below-grade structures, above-grade structures which are designed for conversion to other uses (commercial or residential) or in surface lots designed for possible replacement by commercial or residential buildings.**
- **All general parking will be in off-street lots. On-street spaces for ADA parking, short-term passenger loading, and freight loading will be allowed.**
- Low-impact development (LID) features, such as bioswales and permeable pavement, shall be implemented in all streets and surface-level parking to capture and filter runoff and maximize groundwater recharge.
- All parking surfaces or street-adjacent sidewalks that use or are conducive to tree shading shall incorporate structured soil or suspended substrate to allow successful tree-root development. The developer shall size the area of each pavement-treatment site to accommodate the maximum size of a tree that could reasonably be accommodated on that site.
- Landscaping shall provide 80 percent shading of pedestrian walkways ~~and~~ off-street bike paths, **and bike lanes / bikeways on streets.** At least 50 percent parking-lot shading shall be achieved through either shade trees or PV arrays. Compliance with these requirements shall be demonstrated at the time of building by securing permits for adequate PV arrays and/or by consulting with a certified arborist on a tree-planting and -maintenance strategy expected to achieve the desired shading area within 15 years of planting. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied. Progress towards meeting the shading requirement shall be included in each Annual Report.
- Parking preference and priority shall be given to electric vehicles (EVs) and to vehicles participating in a carpool and **car share** programs. Only carpool, **car share** and EV parking shall

be allowed adjacent to buildings in spots not designated for disabled persons. Spots designated for disabled persons shall not be restricted to particular vehicle types.

- All stalls designated for EVs shall have charging stations pre-installed. Stations shall include a mix of free Level 1 charging and paid Level 2 charging.
- All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows. This infrastructure will include electrical panels, conduit/raceways, overprotection devices, wires, and pull boxes and will be designed to support vehicle-grid integration. On-site demand for EV charging shall be reported in each year's Annual Report.
- ~~All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall. Townhomes, if built to accommodate two vehicles, will be prewired to allow for the installation of a second charger.~~
- All commercial parking ~~for non-electric SOVs~~ shall be paid parking. ~~To encourage occasional bus use, no discounts for monthly parking versus daily parking will be allowed.~~
- The Project shall be exempt from parking minimums otherwise required by the City for new development. ~~Specifically, the minimum number of parking spots necessary for the Project shall be informed by the Project's TDM plan rather than general minimum parking requirements.~~
- Applicant will implement "complete streets" that meet City of Davis Street Standards for 20mph vehicle speeds.

## Housing

~~Housing is included in the Project to maximize environmental benefits of mixed-use development. Specifically, including housing alongside commercial buildings and workplaces encourages walking and biking as commuting options, reduces air-quality impacts, and reduces the Project's overall carbon footprint. To further increase the sustainability benefits of onsite housing, the Developer shall commit to the following:~~

- All Project housing shall be medium- and high-density, incorporating 15–50 units per acre. No single-family detached housing shall be permitted.
- Housing shall be designed to meet the housing needs of the anticipated Project workforce. ~~and shall not resemble student-oriented housing found elsewhere in the City. No unit shall include more than three bedrooms. No rental apartment shall include more than two bedrooms.~~
- Housing construction shall be directly linked to the development of commercial space at a ratio of no ~~more~~-less than one dwelling unit per 3,000 square feet of nonresidential space<sup>+</sup> onsite employee. This linkage will correlate the availability of housing with the creation of jobs which will maximize ARC employee occupancy of the housing.
- ~~To provide an opportunity for a car-free lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.~~
- ~~To minimize transportation emissions, the Developer shall strive to maximize the number of Project housing units occupied by individuals working onsite. To this end, the Developer~~

~~shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.~~

### Transportation Demand Management

The Project will need to implement a comprehensive set of design features and Transportation Demand Management (TDM) strategies intended to reduce vehicle trips and vehicle miles traveled (and therefore greenhouse gas emissions), encourage the use of **safe, sustainable, space-efficient alternative** transportation modes such as walking, bicycling, micromobility, public and private transit, **carshare, carpool and ridehailing/pooling**, and provide safe infrastructure for bicyclists and pedestrians. The desired outcomes of a TDM Plan shall be to reduce greenhouse gas (GHG) emissions and transportation total carbon footprint through a reduction of the Project's vehicle miles traveled (VMT). A key strategy should be shifting away from single occupancy vehicle (SOV) use by incentivizing a mode shift to walking, bicycling, public transit, private transit, and/or 3+ carpool.

- A designated TDM manager shall be identified for the Project. The TDM manager shall represent the Developer, MOA, or other equivalent Project-related body, and shall report directly to the City.
  - Prior to, or concurrent with, adoption of Final Development Agreement, the Developer shall create a TDM plan that includes quantitative goals and temporal benchmarks for shifting away from single-/low occupancy vehicle use. The TDM plan shall also include metrics for assessing progress towards these goals and benchmarks. Responsibility for this task shall reside with the designated TDM manager.
- **The TDM manager - or management entity - will include a representative from the Bicycling, Transportation and Street Safety Commission and a representative from the Natural Resources Commission.**
- The TDM plan shall include actions that will result in a reduction of GHG emissions consistent with the City's then current Climate Action and Adaptation Plan (CAAP) and the goal of the City Council to achieve carbon neutrality by 2040. Subsequent phases of the Project shall not be permitted for construction unless the GHG-driven benchmarks for the previous phase of the Project are met.
  - The ~~TDM manager~~ developer/MOA shall coordinate implementation of the Project's TDM strategies with UC Davis to ensure that relevant efforts by both parties are aligned and allow for cooperative ventures where appropriate.
- An additional goal of the TDM program shall be mitigation of daily traffic congestion generated by the project by reducing daily SOV trips by at least **33%** compared to the business-as-usual (unmitigated) scenario predictions in the SEIR. In other words, at full buildout the project must generate fewer than ~~46,000 SOV~~ **12,000 motor vehicle** trips per day (compared to the 24,000 trips predicted in the SEIR). This reduction requirement is to be applied incrementally at each phase of the Project. If daily SOV trips for each phase are not 33% lower than the business-as-usual (unmitigated) projections in the SEIR, then construction of the next phase shall not be permitted.

- Prior to the commencement of construction of each phase of the Project, the Developer/MOA shall commission a traffic study which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary beyond those specified later in this document. This analysis will also inform the City on mode share and the potential need for increased public transit services.
- The Developer/MOA shall review and update the TDM Plan every 2 years. The TDM Plan update shall include results of a travel behaviors survey, to be completed annually by the Developer/MOA. The annual survey shall include the travel behaviors of Project residents and employees (e.g., where employees live and by what mode they get to and from work; where residents work and by what mode they get to and from home). The updated TDM Plan, including survey results, shall be made publicly available.
  - Prior to Phase 1, the Developer and the City shall agree upon a process for monitoring and evaluating TDM goals on an annual basis, modeled on the process detailed in the Nishi Gateway Project Sustainability Implementation Plan (2015). This monitoring and evaluation process will include an Annual Report, to be transmitted to the City, which details progress towards the actions outlined in the TDM plan and specification of actions required when TDM goals are not met. *(It should be noted that vehicle trip monitoring in the Nishi SIP is a surrogate for transportation GHG emissions, while modeling to estimate actual GHG emissions is preferred for DISC.)*

The Project shall include the following features, in addition to features identified by the TDM Plan, to encourage a shift to **safe, sustainable, space-efficient alternative** transportation modes, such as walking, bicycling, micromobility, public and private transit, and ~~ridehailing~~/carpooling (in descending order of preference):

- The Project shall be designed to accommodate and incentivize private transit, **internal transit**, local transit (Unitrans), and regional transit (Yolobus) through the following measures:
  - **The Project shall include an internal transit service - e.g. a low-capacity automated shuttle on a fixed route - between all buildings and transit stops, both within and on the periphery of the project (i.e. both side of Mace Blvd.) Such a service will facilitate transit access for employees, residents, and visitors who may have limited mobility.**
  - The Project shall include a **centrally-located transit plaza** facility to serve as a **mobility information center, bicycle workshop and repair facility and a stop for internal transit, shuttle and point-to-point transit services.**
  - **Bus stops with enough bus capacity to provide 30% of trips to the site will be constructed on Mace Blvd, south of Alhambra. This is an alternative to diverting YoloBus and/or Unitrans buses from Mace Blvd. into the transit plaza, which would add considerable time to the routes and likely reduce ridership.**
  - The Project shall include **transit stops for internal transit, shuttle and point-to-point transit services** located throughout site to ease pedestrian access such that no transit stop is further than 400 meters from any occupied building.
  - **All stops should include real-time displays of future departures of transit services.**

- The Developer shall petition Yolobus and Unitrans to increase the frequency and capacity of **internal transit, shuttle and point-to-point service to the central transit plaza** as the Project develops. The Developer shall provide funding, if necessary, to the transit services to implement the change.
- **The Developer shall establish a contract with a carshare service that exclusively uses EV's. The service shall include light trucks, small vans and with options replicating classic car rental (weekend use, etc.). Vehicles with adaptive controls and which allow pet dogs shall be included.**
- Phase 2 cannot commence until after the implementation of an on-demand electric transit to and from **multiple locations on UCD campus** and scheduled electric transit to and from the Amtrak/Capitol Corridor station (**Davis Depot, and any future facilities serving commuter and regional rail at a replacement location**), running ~~weekdays~~ **seven days a week**, including the AM to PM peak commute periods. **The services to and from the nearest rail services node will be synchronized with arriving and departing trains, inclusive of delays and extraordinary circumstances, such as interruption of rail services, temporary closing of the station etc.**
- To promote transit use, the MOA shall provide upon request free passes for local and regional transit service (e.g., **an unlimited access pass similar to Yolobus and Unitrans' pass for UC Davis undergraduates**) to the Project's residents, ~~and~~ **employees and commercial visitors.**
- **Total motor vehicle parking spaces at the site will be limited by building use according to the following formula:**

Use	Ratio	Unit
R&D/office/laboratory	1:800	sqft
Manufacturing	1:2,000	sqft
Hotel/Conference	1:2	units
Retail	1:600	sqft
Housing	1:2	unit

- **In order to facilitate fiscal unbundling of parking, no parking spaces within the project should be dedicated to a specific user, commercial or residential, with the exception of designated spots for disabled users. All parking will be managed by the TDM agency described below, including determination of parking fees, terms and allowed users.**
- ~~The Project shall include parking to accommodate single occupancy vehicles (SOVs) and carpool vehicles while also incentivizing other modes of transportation:~~
  - ~~As part of the TDM plan, the Developer will determine the appropriate number of parking stalls, which may be fewer than City parking minimums. Commercial parking~~

~~requirements shall be determined by the TDM plan. For residential development no more than one stall per residential unit shall be provided onsite.~~

- All employers shall create through the MOA or participate in a regional carpool program that is modeled after and functionally equivalent to the UC Davis goClub carpool program. The program shall be open to all Project residents and employees.
- Carshare and preferential carpool spaces shall be provided, with the number of appropriate stalls to be specified in the TDM plan.
- Parking costs shall be unbundled from the cost of other goods and services. A separate fee shall be charged for all parking spaces (commercial and residential).
- Parking cash-out programs shall be offered by any employer who provides a parking subsidy to employees, to give employees who do not drive a cash benefit equivalent to the value of the offered parking subsidy. The MOA shall be in charge of ensuring that employers comply with this program and shall record participation in the Annual Report.
- The Developer shall provide bicycle facilities and infrastructure comparable to the City's Platinum-level Bicycle Friendly Community Certification to support bicycling within and to the site, including the following features:
  - Provide short term bicycle parking, as required by Davis Municipal Code, **with the addition of protection from both precipitation and the sun.**
  - ~~Provide end-of-commute facilities (showers, lockers, changing rooms) and support electric bicycle charging in all commercial buildings.~~
  - Provide ~~covered and secured~~ long-term bicycle parking inside all commercial buildings - including support for electric bicycle charging **and over-sized bicycles** - immediately adjacent to end-of-commute facilities (showers, lockers, changing rooms). ~~at central locations within the site and at the central transit hub.~~
  - Provide community bicycle repair facilities.
  - The MOA shall implement a bicycle share program including **Type 1 and Type 3 (28-mph)** electric-assist bicycles - **including cargo bicycles and bicycles with adaptive controls** - for employees, ~~and~~ residents and **commercial/residential visitors** to use on and off the Project site.
  - A bicycle network of Class IV protected cycle tracks shall connect bicyclists to all areas of the site and all key connecting streets/facilities.
- The Developer shall provide accessible sidewalks that facilitate pedestrian access within and to the site, including the following features:
  - All pedestrian access routes shall be readily accessible by all users, particularly individuals with disabilities. Street design should emphasize universal design through use of appropriate width, grade, surface material, tactile cues, audible cues, and push buttons. The Developer shall reference the United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), or other appropriate reference.



## Site Access and Traffic Mitigation Features

The following **ing** measures are recommended to improve site access and mitigate traffic impacts of the Project. The Developer shall fund infrastructure to mitigate traffic problems attributable to the project either wholly, where the problem is mainly caused by the Project, or proportionately, for traffic improvement measures where the Project is a partial contributor to the problem. The intent is to avoid subsidization of the Project by the City providing funding for traffic mitigation measures.

As described below, City approvals will not be granted for different phases of the Project until public and private funding are budgeted and available, and regulatory approvals have been granted. In other words, all obstacles to the start of construction have been removed.

In general, the base conditions will include at a minimum the construction or implementation of all the mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis, including the “Potential Operational Enhancements” identified in the Traffic Study. Specific projects are highlighted below, but this should not be taken as a comprehensive list. The Developer may propose alternative projects to the City, but these will not be approved unless the Developer can demonstrate that the alternative achieves equal or better site access and/or traffic mitigation without causing other problems.

The desired outcomes of site-access measures are reduction of the Project’s vehicle miles traveled (VMT) through improvements for bicycle, pedestrian, and transit access to the Project site.

- **Phase 1 Site Access**

- The Developer shall provide sites for bus stop relocation for Yolobus and Unitrans along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are allowed by the transit agencies.
- ~~The Developer shall fully fund construction of a new grade-separated bicycle and pedestrian crossing of Mace Boulevard, located near Alhambra Drive.~~
- **Applicant will implement a bike/ped crossing under Mace Blvd. that is sufficiently wide to accommodate heavy bidirectional pedestrian and cyclist travel. Crossing will be located south of Alhambra so that bus passengers can use it to cross Mace while allowing buses to turn from Mace to Alhambra.**
- **The Developer shall fully fund construction of a new grade-separated bicycle and pedestrian crossing from the Old 40 Class 1 path (running between the UP ROW and I-80) into the Project site.**
- The Developer shall contribute funding to construction of a new Class IV bikeway ~~bicycle path~~ and separated pedestrian path on the inside of the Mace Curve between the new grade-separated bicycle and pedestrian crossing (see previous bullet) and Harper Junior High School. Such funding shall be proportional to the use of this facility by Project residents, ~~and employees,~~ **and visitors.**
- **The Developer shall contribute funding to construction of a new Class IV bikeway for both north-bound and south-bound bicycle traffic on and near Alhambra St. between the landing area of the Mace Blvd. overcrossing and the northeast corner of**

**John Barovetto Park. Such funding shall be proportional to the use of this facility by Project residents, employees and visitors.**

- **The Developer shall contribute funding to paving to Class I standards of the current gravel path starting on the east edge of John Barovetto Park to the existing Greenbelt path at the southwest corner of the Park. Such funding shall be proportional to the use of this facility by Project residents, employees and visitors.**
- **The Developer shall contribute funding to construction of a new Class IV bikeway and separated pedestrian path** ~~improved pedestrian and bicycle connections~~ for both north-bound and south-bound pedestrian and bicycle traffic on the Mace Blvd/I-80 overpass and continuing to the Project site. Such funding shall be proportional to the use of this facility by Project residents, ~~and employees~~ **and visitors.**
- **The Developer shall contribute funding to construction of a new Class IV bikeway for both west-bound and east-bound bicycle traffic on 2nd St between the area of Davis Depot / L St. and the Dave Pelz bridge (i.e. connecting to the Class I Greenbelt path to John Barovetto Park). Such funding shall be proportional to the use of this facility by Project residents, employees and visitors.**
- **The Developer shall contribute funding to construction of a new Class IV bikeway for both west-bound and east-bound bicycle traffic on 32A between Mace Blvd and current and future bike/fed facilities across the Yolo Bypass. This facility should have multiple egress points to the Project area. Such funding shall be proportional to the use of this facility by Project residents, employees and visitors.**
- **The Developer shall contribute funding to re-construction of the intersection of East Covell Blvd and Pole Line Rd. Such funding shall be proportional to the use of this facility by Project residents, employees and visitors.**
- **The Developer shall contribute funding to construction of the already-in-planning pedestrian and cycling corridor on the north side of East Covell between Pole Line Rd and J St. Such funding shall be proportional to the use of this facility by Project residents, employees and visitors.**
- **The Developer shall not incentivize or contribute funding to the addition of general traffic lanes on Mace Blvd.**

● ~~Phase 2 Site Access~~

- ~~The Developer shall petition to reroute Unitrans and Yolo bus service off Mace Blvd. and to the central transit plaza and through the Project site. If necessary, the Developer will provide funding to the transit services to implement this change.~~

The desired outcomes of traffic-mitigation measures are to reduce the transportation total carbon footprint and adverse level of service (LOS) traffic impacts on roads in the Project vicinity, including Mace Boulevard, Covell Boulevard, and I-80.

● Phase 1 Traffic Mitigation

- Phase 1 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for construction or implementation of all other mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis.

- The Developer shall contribute funding to the City to study and implement bus rapid (BRT) transit strategies, including a bus signal preemption system on Mace Boulevard and Covell Boulevard for freeway access or local traffic bypass.
- Phase 2 Traffic Mitigation
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for a rush-hour bus and 3+ high occupancy vehicle (HOV) lane and class IV bicycle path on the frontage road north of I-80 (county road 32) to allow traffic to bypass the Mace Blvd east bound on-ramps and west bound off-ramps to I-80.
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for the construction of bus/3+ HOV lanes on I-80 west of causeway between Richards Blvd and the Yolo Causeway.
- Phase 3 Traffic Mitigation
  - Phase 3 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for adding bus/3+ HOV lanes eastbound and westbound on the Yolo Causeway (I-80).

### Mitigation Measures

The project shall comply with and ensure public or private funding and completion within a two-year period for all Mitigation Measures identified in the Approved Mitigation, Monitoring, and Reporting Plan.

<sup>1</sup> The ratio of one dwelling unit per 3,000 square feet is different ratio than the Developer-proposed one dwelling unit per 2,000 square feet. This directly ties housing to the proposed square footage in each phase of the ARC development, to ensure that housing growth is better matched with job growth at the site.

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8 June 2020

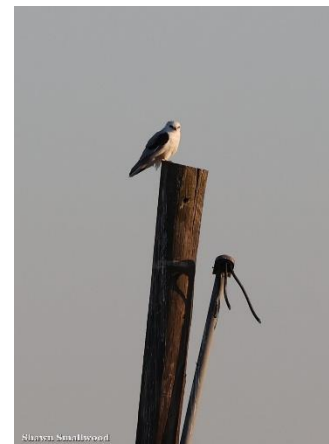
**Re: Aggie Research Campus**

Dear Ms. Metzger,

I write to comment on the City's responses to my comment on the SEIR prepared for Aggie Research Campus, which I understand is now named something else.

**72-2** According to the response, Sycamore failed to detect white-tailed kites on the project site during multiple visits, implying that I did not see white-tailed kites on site as I testified. This finding reflects on Sycamore, but not my observations. The photo that appears in my comment letter was of a white-tailed kite on the project site. That this kite was on the site is further evidenced by the GPS coordinates recorded by my camera and automatically assigned to the photo. I possess additional photos of white-tailed kites on the site, such as Photo 1, where the kite is perched on a pole that is readily recognizable as a pole that occurs on the project site.

**Photo 1.** *Another photo of a white-tailed kite on the project site. The pole used as a perch is readily identifiable as the pole that appears just southeast of County Road 30B where it intersects Mace Blvd.*



The response points out that I did not report the locations of white-tailed kite nests. This is true, and I will not report them still. I will not publicly disclose nest sites of a special-status species. But I will point out that one nest site occurs on the project site.

The response points out that white-tailed kite nests are not reported on eBird. This is also true, and I am thankful for the good judgement of eBird participants who refrain from reporting nest site locations of special-status species. Absence of nest site records on eBird cannot be interpreted as lack of nesting, but rather of good judgement of participants.

The response points out that CNDDDB records do not exist of white-tailed kite nests near the project site, except for one older nest site 1.4 miles away. I have not reported my observations to CNDDDB because my surveys are ongoing. But my own observations aside, lack of CNDDDB records does not mean a species is absent from a site. Consulting CNDDDB is fine for confirming presence of a species, but it is inappropriate for determining absence. CNDDDB relies on voluntary reporting, but not on scientific sampling or access to all properties. The limitations of CNDDDB are well-known, and summarized by CDFW in a warning presented on its CNDDDB web site (<https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>): *“We work very hard to keep the CNDDDB and the Spotted Owl Database as current and up-to-date as possible given our capabilities and resources. However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers...”* Lack of CNDDDB records does not support responder’s argument.

Since the time of my comment letter, I confirmed white-tailed kite nests located within the Biological Study Area (BSA) and 1,800 m from the BSA. A third nest is within 800 m, and a fourth is about 2,540 m distant, but I have yet to confirm the sites of these latter two nests. I have seen generally where the kites are going after foraging on the project site, but I have not yet pinpointed the nest sites of these latter 2 kite nests.

The response also asserts that white-tailed kites are predators of burrowing owls, perhaps implying that even if white-tailed kites use the project site, their occurrences there diminish the site’s habitat value to burrowing owls. I have never seen a white-tailed kite pursue or capture a burrowing owl, nor have I seen any reports of such predation. Furthermore, during several decades of working on burrowing owls, I have witnessed only two successful predatory attacks by raptors on burrowing owls, one involving a red-tailed hawk and the other a peregrine falcon. White-tailed kites do not lessen habitat suitability to burrowing owls, which is in fact proven by the co-occurrence of these species at the project site.

**72-3** The response is outdated regarding occurrences of burrowing owls at and near the project site. Nest attempts failed along CR 30B. As far as I am aware, only one pair remains in the project area, and it has produced chicks. A colleague and I have since found two nest sites far south of Davis. But around Davis, this pair next to the project site appears to be the last remaining breeding pair. The project would take the primary foraging habitat of this last pair of burrowing owls. It is hard to believe the Yolo County HCP would be capable of mitigating the loss of the last of the burrowing owls within the Davis Sphere of Influence. Would the Yolo County HCP import burrowing owls from elsewhere?

If importation was to be the plan of the HCP, then the challenge would be finding surplus burrowing owls from elsewhere. This would be the challenge because burrowing owls are declining throughout their range in California. Many burrowing owls have been displaced by recent industrial solar projects in the Imperial Valley and the Mojave Desert, as well as the Carrizo Plain. The species occurs only in a few locations across

Solano and Sacramento Counties, and few remain in the Bay Area. The largest population in the region, which I studied over the last decade in the Altamont Pass, is in decline (Smallwood, unpublished data).

**72-4** The response characterizes my comments as providing background, but that is inaccurate. My comments shared my findings of species detections on the project site, including of Swainson's hawk and other special-status species. I also described what these species were doing on the site.

**72-5** The response dismisses my observations in Table 1 and my list of species and their occurrence potentials in Table 2 because I did not provide habitat requirements and behaviors of the species I listed. These are false standards, and not entirely true. I provided descriptions of what some of the species I detected were doing, and I provided photographs of some species doing what I said they were doing. But anyway, habitat requirements are irrelevant for the species that I detected on the project site, as well as for the species detected by others on or near the project site (Table 2 of my letter). After all, habitat is defined by a species' use of the environment (Hall et al. 1997, Morrison et al. 1998). For all those species in Table 2 that were seen at or near the project site, the site and its surroundings obviously, and by definition, provided suitable habitat.

The response claims I provided no evidence that the species I listed in Table 2 actually occur in the project area. But I did. Anyone can check eBird to verify the sightings I summarized. Examples appear in Figure 1 for burrowing owl, white-tailed kite, Swainson's hawk and ferruginous hawk. Some of the records include descriptions of what the birds were doing, and some provide photographs.

According to the response, the data base review and site visits that contributed to the SEIR provided ample evidence in support of conclusions in the EIR. This was obviously not true. Members of the public have eyes, and so do I. Our observations of species at and around the project site were no less valid than those of biologists working for Sycamore. And if the environmental review is going to meet the objectives of CEQA, then all sources of information ought to be considered. One CEQA objective is to publicly disclose potential environmental impacts of a proposed project so that decision-makers and the public can make more informed decisions over whether and how to proceed with a proposed project. To meet this objective, CEQA does not require use of CNDDDB as the sole data base upon which to inform the public. Nor do detection survey guidelines for any particular species suggest relying solely on CNDDDB for determining habitat suitability at a site. Public participation with decision-making over proposed projects is another CEQA objective, and one to which the public can contribute via their observations of special-status species on a project site.

**72-6** According to the response the project site is not covered by wheat, but rather sunflowers. Photo 5 of my comment letter shows a red-winged blackbird guarding its breeding territory in wheat this spring. On 7 June 2020, the site remained covered by wheat. Obviously, different crops are grown on the site in different years, and responders' have not gotten up to date on what is grown on the site this year. This year the crop is wheat, which is a crop that northern harriers are known to nest in.



**Figure 1.** eBird observations within 30 days (red symbols) and older than 30 days ago (blue symbols) for Swanson's hawk (top left), ferruginous hawk (top right), white-tailed kite (bottom left), and burrowing owl (bottom right).

72-7 The City did not really respond to my comment.

72-8 Whether tricolored blackbirds actually nest on the project site is irrelevant to my comment. I pointed out that tricolored blackbirds cannot nest successfully without successful foraging both during the breeding season and non-breeding seasons. I

further pointed out that tricolored blackbirds forage in environments different from where they breed.

The response again points to lack of records of tricolored blackbirds in CNDDDB and eBird, but I assert that it is inappropriate to use CNDDDB this way, and I am relieved that eBird records do not report breeding colony locations.

**72-9** The response again argues that because Sycamore did not detect white-tailed kites in the area of the project site, the species does not occur there. This is unfortunate commentary on Sycamore because, as I testified, the project site is currently central to the highest density of breeding white-tailed kites within 10 miles of Davis. One of the nests happens to be located in one of the young Fremont cottonwoods that the SEIR had claimed unsuitable for white-tailed kites. The nest is in the Biological Study Area defined in the SEIR. Furthermore, the response concludes, “*No nesting white-tailed kites were observed during the February and March 2020 burrowing owl surveys.*” But the nesting season is April through June, not February and March.

Finally, the response cites a passage from Erichsen (1995), “*Kites will occasionally use isolated trees, but this is relatively rare. Most nests in the Sacramento Valley are found in oak/cottonwood riparian forests, valley oak woodlands, or other groups of trees.*” On the other hand, Erichsen et al. (1995) reported that all of the nest failures resulting from displacement by Swainson’s hawk, which was nearly half of the nests documented in our study,<sup>1</sup> occurred in riparian corridors. As we reported, features common to successful nest sites included:

- 1) “Nests were in rows (hedgerows between fields) or patches of trees...overlooking low-lying natural vegetation, fallow fields, wet pasture, and alfalfa;
- 2) Low-lying vegetation contiguous with the was at least 50 m x 30 m;
- 3) Nests were <1.5 km from water...;
- 4) Nests were >100 m from roads.”

This year, most of the nest sites are in trees in urban areas, and one is in an isolated Fremont cottonwood at the project site. Nest success has yet to be determined.

According to the response, “*the Draft SEIR does not entirely discount the possibility that white-tailed kites may nest in the trees on-site.*” This is a relief, because white-tailed kites are nesting in a tree on the project site.

**72-10** The response again misapplies CNDDDB. Lack of CNDDDB records does not mean absence of a species.

**72-11** The response says protocol surveys are ongoing and will be consistent with the standards recommended by CDFW (2012). These surveys needed to be completed prior to circulation of the EIR, not after the FEIR. To meet the primary objectives of CEQA,

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<sup>1</sup> Just to be clear, Erichsen and I co-authored the cited paper, along with others, but Erichsen and Commandatore were the investigators who performed the nest surveys. I performed the winter surveys.



the public and decision-makers need to be informed of the results of detection surveys in time for the public to meaningfully comment on them.

**72-13** The response provides more detail on the proposed solar installations, which is helpful. From 7 industrial solar PV projects in agriculture and grassland environments of California (Campo Verde, Centinela, Topaz, Imperial, Calipatria, Midway, and California Valley Solar Project), I estimated from fatality monitoring reports an average 2.06 bird collision fatalities/acre/year (95% CI: 1.79-2.33 fatalities/acre/year) within the PV arrays. This average, applied to 21 acres of proposed PV on parking lots and next to agricultural buffers, would predict 43.3 (95% CI: 37.6-48.9) bird fatalities per year, or 2,165 (95% CI: 1,880-2,447) bird fatalities over 50 years. This would be a substantial impact that has not been addressed in the SEIR nor has any mitigation been formulated for it. This level of unmitigated collision mortality would represent a significant impact.

**72-14** The response characterizes the incidental take permit (ITP) for HCP-covered species as a catch-all for all species, as if the ITP was issued for all of them. It was not. The ITP was issued for particular species. Each of the covered species has uniquely defined habitat.

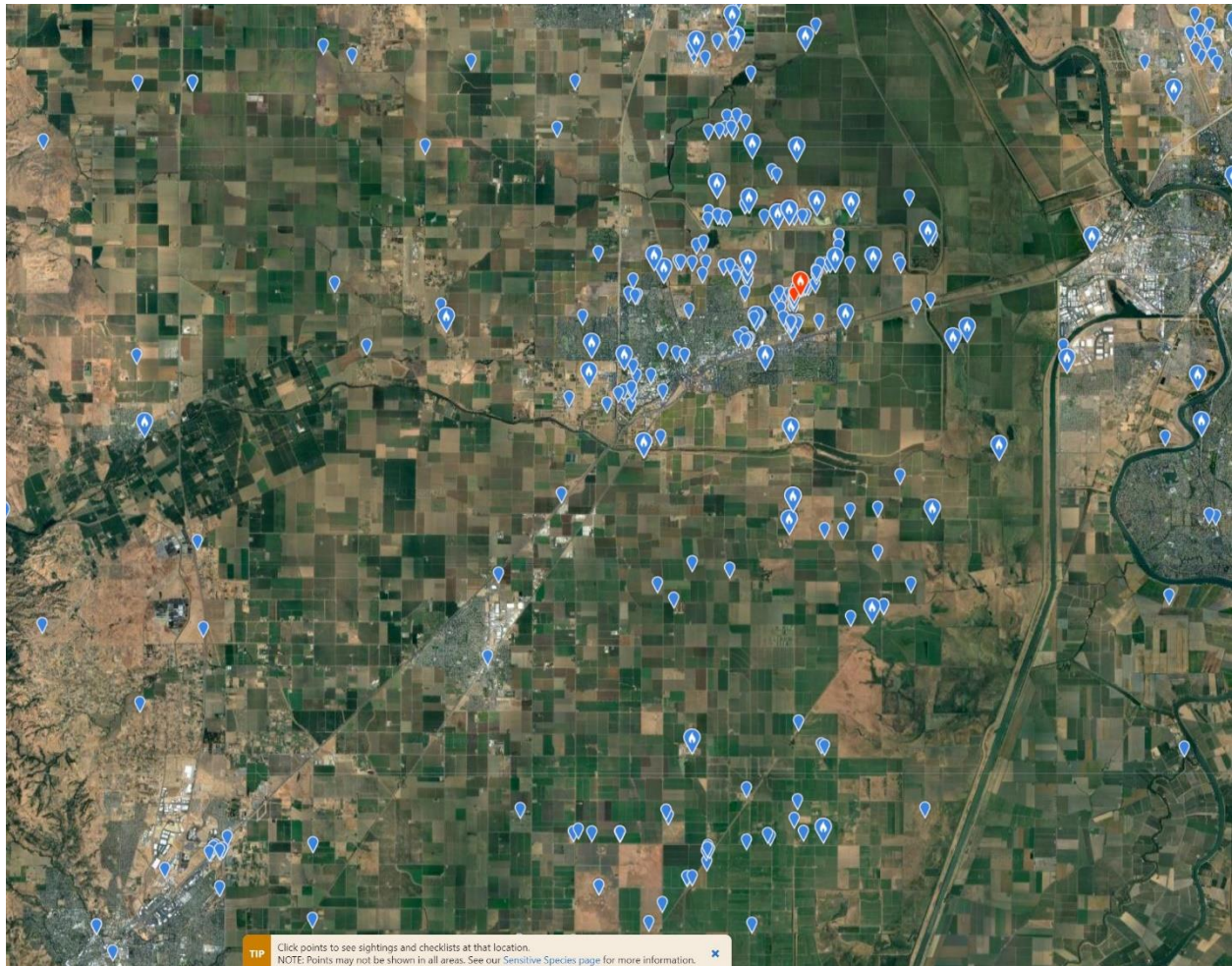
The response characterizes an HCP strategy of creating reserves. However, this strategy remains unproven until reserves exist and it can be shown that Yolo County's special-status species live in them. But the response is accurate in pointing out that my comment focuses more on species conservation than habitat conservation. Habitat loses its meaning when a species is absent. As I commented earlier, if the HCP creates a reserve to conserve burrowing owls and other species, but burrowing owls have already been extirpated from Yolo County by this and other projects, then the burrowing owl mitigation will be meaningless. Habitat without the species is not successful conservation.

**72-15** The response claims that the small extent of burrowing owl habitat that would be destroyed by this and other projects will leave a vast amount of burrowing owl habitat in Yolo County. But see Figure 2, which depicts the locations of burrowing owls reported on eBird over the last 30 days. The model that the response cites only predicts where suitable habitat is located. It needs to be validated for accuracy. If validation surveys were performed now, they would show the vast majority of the predicted burrowing owl habitat to be empty of burrowing owls. This is what I have been finding in multiple long-term sampling plots in Yolo County where burrowing owls used to occur.

The response lists the objectives of burrowing owl habitat preservation that appear in the HCP. None of the listed objectives mention anything about ground squirrels, the existence of which is an essential element of burrowing owl habitat. The poisoning of ground squirrels across many properties is a leading cause of the ongoing decline of burrowing owls, yet the HCP is silent on ground squirrels.

The last HCP objective of preserving 2 nesting pairs within Yolo County's preserves for each pair lost to development activities will be meaningless with the loss of the last breeding pair within the Davis Sphere of Influence. If no burrowing owls are left, how

can this objective be met? Given the current situation with burrowing owls on the brink of extirpation from Yolo County, the EIR should provide a more explicit mitigation plan than simply dumping the problem into the lap of the HCP. The HCP's strategy will implement too late for burrowing owls.



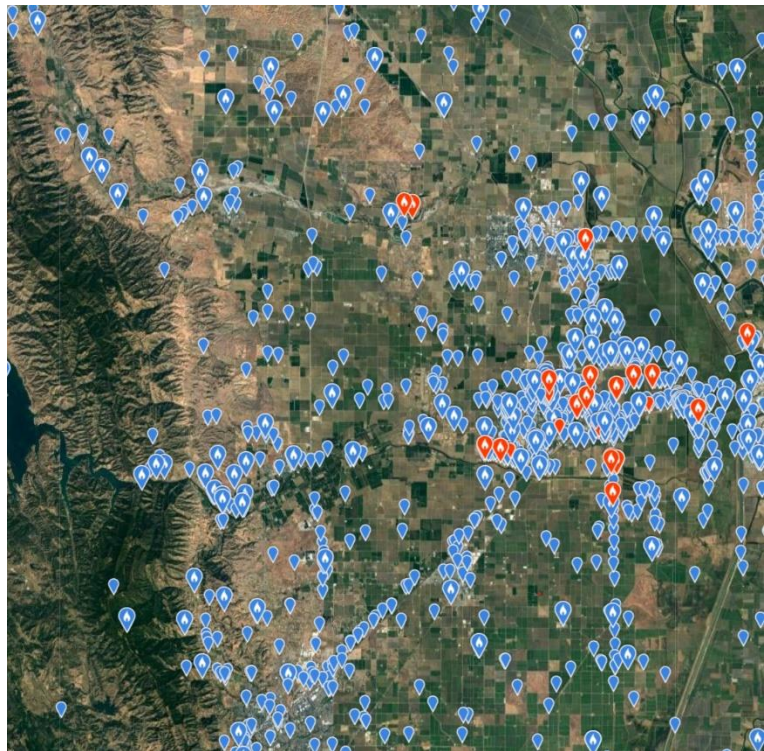
**Figure 2.** eBird records of burrowing owls in the last 30 days (red symbols) and older records (blue symbols) across the Valley portion of Yolo County. The only recent records are at the proposed project site and across the street from the project site. I am aware of 2 nest sites in south Yolo County, but so far this is it – I can confirm only 3 pairs remain.

**72-16** The response says the HCP was analyzed carefully and all the participating agencies agree it will effectively conserve species in Yolo County. I have seen all of these expressions of confidence with past HCPs, and I can point to one HCP that appears to be meeting stated objectives. I hope the Yolo County HCP succeeds in conserving our species of wildlife. But I have reviewed many HCPs that have come nowhere close to meeting objectives (Natomas, San Joaquin, Bakersfield, West Riverside, San Diego, among other HCPs). Most have not protected habitats at the levels promised. Those that promised monitoring to assure performance standards are met, such as maintaining threshold numbers of each species conserved, typically started the

monitoring late or never achieved the level of monitoring promised. Most have not demonstrated achievement of conservation goals. Rather than repeating all the accomplishments that have yet to occur in the Yolo County HCP, it would help to point to successes of other HCPs or to studies that summarize successes. This would help to inform the public and decision-makers about whether and to what degree project impacts might be mitigated by the Yolo County HCP.

**72-17** White-tailed kites do not occupy 268,230 acres of modeled habitat in Yolo County. They probably did so years ago, but not anymore. The species is declining while City of Davis claims there are plenty. See Figure 3 for the recent distribution of white-tailed kites in Yolo County. Notice that most of the recent sightings are in and around Davis. The species' range in Yolo County has become much more restricted, and the population size dangerously small. And again, the strategy of the Yolo County HCP is likely to implement too late to conserve this species.

**Figure 3.** Recent eBird sightings (red symbols) and older sightings (blue symbols) of white-tailed kites in the valley portion of Yolo County. Other than a pair of sightings along Cache Creek, a single sighting in southeast Woodland, and a sighting northwest of West Sacramento, all of the recent sightings are in and around Davis.



**72-18** City of Davis responds by promising 3 artificial nest boxes for burrowing owls along the project's agricultural buffer. I have studied the efficacy of artificial nest boxes at two large study areas, one of which resulted in a published paper (Smallwood and Morrison 2018) and the other of which will be published soon. What I found were widespread failures of artificial nest boxes to host burrowing owls beyond a year or two. Artificial nest boxes lose their effectiveness in the absence of ground squirrels and in the absence of routine maintenance. Ground squirrels are of critical importance to burrowing owls for the mutual predator alarm-calling each species provide each other. I studied this relationship between ground squirrels and burrowing owls over the last decade in the Altamont Pass (first reported in Smallwood et al. 2013), and found burrowing owl nest success increases with increased numbers of ground squirrels within

25 m, and ground squirrel persistence through the spring and summer months increases with the presence of burrowing owls. I also found that burrowing owls decreased where ground squirrels decreased, and they did not occur where ground squirrels were absent.

The City should already know that artificial nest boxes have had a poor history of success in Davis. Many nest boxes have been installed in Davis, and none of them are used by burrowing owls anymore. Wherever squirrels were available, burrowing owls moved from nest boxes to squirrel burrows. And where squirrels disappeared, so too did the burrowing owls regardless of any nest boxes.

That the City now proposes to preserve ground squirrels in the agricultural buffer is an improvement. Preserving ground squirrels would provide burrowing owls a chance. A plan is needed, however, on how ground squirrels would be preserved. How would nuisance complaints be resolved? How would house cats be kept away from the agricultural buffer? A burrowing owls and ground squirrel monitoring plan is needed, as well.

**72-19** The response claims that avian mortality caused by collisions with solar PV panels would be “limited,” whatever limited means. The available data supports a prediction of 43 avian collision fatalities per year, accumulating to thousands over several decades. It is just this sort of impact, characterized as “limited” and repeated at many places across North America, that resulted in the recently reported 29% decline in overall bird abundance across North America over the past 48 years (Rosenberg et al. 2019). The report of this decline came at about the same time California’s Governor signed AB 454, which amended California’s Fish and Game Code section 3513, thereby extending Migratory Bird Treaty Act protections to California’s birds. In response to widespread declines of birds, California added protections that ought to be considered in the EIR for this project. We are losing our birds at a rapid rate, and with unknown but likely large ecological and economic consequences. City of Davis needs to take each new proposed project more seriously.

Thank you for your attention,



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Shawn Smallwood, Ph.D.

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6/7/20

Dear Planning Commission,

I am writing to express concerns I have regarding the DISC project and Final SEIR.

My overarching concern is what once was a business park only proposal in 2015 has morphed into a stand-alone housing project plus a business park. When housing was added to the project it was under the guise that the housing would serve employees of the business park, but that linkage has been abandoned.

Because there is no longer any linkage between the business park and the housing, and because the housing brings added significant and unavoidable impacts like an extra 10,000 car trips a day (ARC DSEIR p. 3-221), I believe DISC should be viewed as two separate projects, a housing project next to a business park. I firmly believe that if the city had called for housing proposals in 2015 as they had for business parks, they would have rejected any proposal located across the Mace curve.

The DISC housing component is troublesome because it is dense, peripheral housing with poor connectivity to the rest of town and requires annexation. The housing on the periphery of Davis goes against the city's best land use guiding principles: it relies on the car, disrupts Davis's compact urban form, and erases agricultural land that could be preserved. Additionally, the social benefits of integrating new housing into existing neighborhoods is lost. Furthermore, such housing does not take advantage of the cost savings of using existing infrastructure and any revenue generated by the housing must be shared with the county because of the annexation.

YEAR	EVENT	DESCRIPTION
2015	MRIC Proposal resulting from city solicitation of business park proposals	<ul style="list-style-type: none"><li>• Business Park Only</li></ul>
2017	FINAL MRIC EIR certified including analysis of Mixed Use Alternative	<ul style="list-style-type: none"><li>• Business Park Only</li><li>• Mixed Use Alternative deemed the environmentally superior <u>if</u> housing could be largely occupied by employees (per PC and city council)</li></ul>
2017	MRIC Project withdrawn by applicant	
2019	MRIC Mixed Use alternative put forth with small changes and renamed ARC	<ul style="list-style-type: none"><li>• Business Park plus employee on-site housing</li></ul>
2019	Supplemental EIR for ARC	<ul style="list-style-type: none"><li>• Business Park plus housing</li><li>• Assumption that employees live on-site is removed altogether</li><li>• ARC is no longer the environmentally superior alternative</li></ul>
2020	Final SEIR finished and project renamed DISC	<ul style="list-style-type: none"><li>• Business Park plus housing</li><li>• No assumption that employees live on-site</li><li>• Reduced Project Alternative deemed the environmentally superior alternative</li></ul>

Referring to the table above, I find that Master Reponse #1 in the FSEIR evasive. Housing only became legitimized as part of the business park proposal because on-site employee housing was environmentally superior. The Planning Commission and council certified the MRIC EIR with the stipulation that the inclusion of housing (Mixed Use Alternative) was only environmentally superior if at least 60% of the housing units were occupied by employees. Furthermore, in the resolution adopting the MRIC EIR, city council makes it clear that housing was not a goal: “...it should be noted that because it includes housing it is not consistent with the City’s expressed goal of having only non-residential uses within the innovation center.” (p. 2-2 FSEIR)

It is only in the last iteration of the project, during the ARC SEIR, that the assumption of on-site housing for employees is abruptly removed because no mechanism could be found to restrict housing to business park employees. The Master Reponse #1 tells us that “*The ARC is now the proposed project*”. I would argue that ARC (now DISC) should not be the proposed project because changing the on-site housing assumption at the last minute subverts the clear intent of why a housing element was allowed to move forward for all these years in the first place.

On top of the fact that what once was a business park only now includes a housing development 1/3 larger than the Cannery, is the question of whether or not the business park could function as a stand-alone project fiscally. In the new EPS report the assessed residential valuation contributes significantly to the positive economic outcome of DISC. EPS assumes housing valued at market rate with substantial increases over the 2015 EPS report that assumed any housing would be workforce and, therefore, lower priced. Furthermore, the housing has been frontloaded to occur in Phase 1, when previously it was not to be constructed until Phase 2. All of this speaks to the fact that the housing is what is driving the DISC project proposal when the original intent in 2015 was the city’s desire to have a business park only.

Consequently, I urge the commission to not recommend certifying the FSEIR or to strongly recommend the environmentally superior alternative, the Reduced Project Alternative, that has no housing element.

Sincerely,

Pam Gunnell  
Davis, CA

**To:** Planning Commission  
**From:** Hannah Safford, Co-Chair, Natural Resources Commission  
**Date:** June 9, 2020  
**Subject:** Davis Innovation and Sustainability Campus—Sustainability Baseline Features

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*\*\*\*Note that while I serve as co-chair of the City of Davis Natural Resources Commission (NRC), this memo is written in my capacity as a private citizen.\*\*\**

Dear Commissioners,

I strongly concur with the points made by Richard McCann in his memo (dated June 8, 2020; transmitted June 9, 2020) “Response to City of Davis Staff Report on the Davis Innovation and Sustainability Campus – Baseline Features” [Attachment 1].

The Davis Innovation and Sustainability Campus (DISC) is proposed as the second-largest single development in Davis, behind only UC Davis. Any project as large as DISC will inevitably impose considerable environmental impacts, including adverse effects on local habitat, water quality, and air quality. In particular, DISC will substantially increase the City’s carbon footprint, making it more difficult for the City to achieve carbon neutrality by 2040 and realize goals stated in its climate emergency declaration.

It is therefore essential that DISC, if allowed to move forward, be designed from the ground up to mitigate environmental impacts as much as possible. This cannot be achieved without strong, legally enforceable sustainability provisions in the project’s baseline features. The Environmental sustainability features proposed by the NRC are the product of careful deliberation by the climate, water, and energy experts who serve on that commission. The staff report on DISC suggests watering down the NRC’s proposals to a surprising and alarming extent. As Commissioner McCann points out, **staff suggested every single NRC proposal that differed from that proposed by the developer.”**

Commissioner McCann provides a thorough explanation of the rationale for many of the NRC proposals dismissed by staff. Below, I provide additional explanation for several points not addressed in Commissioner McCann’s memo. I also the revised and expanded environmental sustainability features that were finalized by the NRC on June 5, and transmitted to you on June 8 [Attachment 2]. I have annotated the attachment to draw attention to key changes in the revised and expanded features, and to provide context for those changes. **Note in particular the addition of two sections containing recommendations for limiting the greenhouse-gas and air-quality impacts of DISC-associated transportation.**

I urge you to take this input into account when considering your recommendations to City Council on DISC. DISC has the potential to deliver important economic benefits, and has been a long time in the making. But it is too significant a project to simply be rubber-stamped.

Signed,

Hannah Safford  
Co-chair, NRC



**NRC2:** Including a definition of “clean energy” is important given that the term is used to mean different things by different parties. For instance, so-called “clean coal” is excluded from the list of technologies eligible for California’s Renewables Portfolio Standard (RPS).

**NRC3:** It is especially odd that staff rejected the recommendation for the project to meet and exceed Title 24, Cal Green Tier 1 standards given that this proposal was originally submitted by the developer.

**NRC7:** It would be reasonable to modify the NRC’s recommendation to read “laboratory and manufacturing processes” instead of simply “manufacturing processes”.

**NRC8:** The revised and expanded sustainability features proposed by the NRC update this recommendation to motivate a higher level of commitment from the developer.

**NRC10:** Both trees and solar installations deliver important GHG benefits. Though the immediate GHG impacts of solar installations are typically greater, lifetime benefits may not be—especially when considering the co-benefits such as shading, water retention, habitat provision, and aesthetic value that trees provide. Including a statement in the baseline features that acknowledges the importance of balancing solar coverage with tree-canopy development is important to prevent the short-term benefits of solar from discouraging investment in the long-term benefits of trees.

**NRC15:** Mitigating adverse environmental impacts requires DISC to be designed for sustainability from the ground up. Just as it is a best practice to pre-wire buildings and parking spots for EV infrastructure in the future, the developer should be required to pre-configure project area to support expansion of tree coverage beyond initial plantings. The sentence “all parking surfaces or street-adjacent sidewalks that use *or are conducive to* tree shading” [emphasis added] should therefore be retained.

**NRC18:** The revised and expanded sustainability features proposed by the NRC update this recommendation in a way that aligns with the staff recommendation.

**NRC19:** It is unclear why the recommendation for annual reporting of EV charging demand was rejected. Data on EV charging demand is essential to determining where and to what extent charging infrastructure should be expanded or upgraded.

**NRC28:** Staff has provided no reason for rejecting the sentence “The Developer shall convert this [nonpotable water] system to reclaimed/greywater water if and when such service is made available.” Without an adequate rationale, the sentence should be re-added.

**NRC29:** Staff considerably watered down the NRC recommendation to encourage onsite water reuse, stating only that “Developer expressed concerns with the use of grey water given the nature of uses which may occur onsite.” This sentence is vague and confusing. The NRC did not suggest any specific greywater-reuse practices that would be apparently incompatible with onsite activities at DISC. If staff are unable to provide a better explanation, then the original NRC recommendation should be adopted in full.

## Attachment 1

**June 8, 2020**

**To: Planning Commission**

**From: Richard McCann, Member, Natural Resources Commission**

### **Response to City of Davis Staff Report on the Davis Innovation and Sustainability Campus – Baseline Features**

I submit these comments as a private citizen and not on behalf of the Natural Resources Commission (NRC). However, I was on the first NRC subcommittee tasked with developing the draft baseline features and am intimately familiar with the intent and mechanisms of these proposals.

For the State of California to achieve its GHG reduction goals by 2045 under state law will require largely eliminating all natural gas use in all buildings and widespread adoption of electric vehicles. Looking forward a quarter century, we need to start this process by ending the use of methane fuels in new buildings. (Reducing use in existing buildings will be an even larger hurdle.) The Planning Commission should support this initiative by the NRC to achieve our climate change goals that are consistent with the Climate Emergency Resolution adopted by the City Council in 2019. If the developers of the Davis ***Innovation and Sustainability*** Campus want to be truly innovative and sustainable—true leaders that will attract cutting edge entrepreneurs—they will agree with the NRC's proposals, disregarding the Staff's recommendations where they conflict.

The Staff Report to the Planning Commission provides in Attachment 6 a comparison of the baseline features proposed by the NRC and what the Staff is recommending to be adopted. The Staff has inappropriately taken on an adjudicatory role that is reserved in state law to the Planning Commission and City Council in this report. The Staff rejected every single NRC proposal that differed from that proposed by the developer. The Staff has sided with the developer over the recommendations of the well-informed citizens of Davis that were appointed by the City Council in large part due to the expertise that those citizens bring to these deliberations. The Staff ignored the research, analysis and deliberations that NRC members conducted since fall 2019 in its rather arbitrary dismissal of the NRC proposals.

In several cases, the Staff appears to be confused about what the NRC actually proposed and rejects those proposals based on misinformation. In addition, the NRC made proposals based on previous City actions that the Staff rejected, including a housing proposal based on the City Council's certification of the original MRIC EIR. Finally, the Staff appears to have misinterpreted or misunderstood other studies, or have failed to provide supporting evidence for rejecting the NRC's proposals. The Planning Commission should consider and accept the NRC proposed features rather than simply accept the Staff's assertions in these cases.

Baseline features are required elements to be added to the development agreement that go beyond the minimum requirements contained in City ordinances, codes and regulations. If these features just simply matched what is already required, then there would be no need to establish baseline features in a development agreement. For this reason, simply rejecting certain proposals because they go beyond minimal requirements defeats the entire purpose of this exercise. The City will never achieve its environmental goals or provide leadership to the rest of state if this is the only reaching minimal standards.

My comments on Staff recommendations on NRC proposals follow:

***NRC2: The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite...***

Providing local energy production increases sustainability by minimizing the need for transmission and distribution grid infrastructure, lowers the cost of that generation overall, and better facilitates use of energy storage by avoiding that grid infrastructure (saving up to 10% in energy losses). Further, it increases local resilience by bringing energy generation and storage closer to the immediate load center. This is particularly important at the risk of wildfires increases and public safety power shutoffs (PSPS) increase commensurately for at least the next decade according to Pacific Gas & Electric (PG&E).

**Recommend full inclusion of NRC 2.**

***NRC3: (Staff response) Cal Green Tier 1 was [sic] not found to be cost effective and is therefore not required. The current Non Residential Reach code does not include an all electric provision and could require a cost effectiveness study and California Energy Commission review.***

This statement is mistaken and surprising. The Staff sent a memo to the NRC on September 25, 2018 stating that CalGreen Tier 1 is the basis of the current code. The Staff worked with the NRC in 2018 to develop a non-residential commercial building code based explicitly on CalGreen Tier 1. This was confirmed by City Staff in NRC meetings. NRC 3 is only restating what is already required as a prelude to the next statement. Note further that the current City code does not include a requirement that residential be all-electric, but instead provides an incentive to be all electric. So that baseline feature proposed by Staff already exceeds the City code requirements. Requiring this of the commercial space is therefore no different. This proposal does *not* include a change to the City building code and therefore is not subject to CEC review. It is specific to this project. **The reference to CalGreen Tier 1 should be included in case in the future City code falls below that standard. The commercial buildings should be required to be all-electric, except for the exceptions proposed by the NRC in NRC7.**

**Alternatively, the provision for restricting natural gas use on site would be to ban the installation of natural gas infrastructure except at the specific request of tenant for a specified purpose.**

***NRC4: (Staff response) The developer has agreed to enter into an agreement. However, it cannot be ensured that all power will be used locally.***

Valley Clean Energy Alliance has considered the implementation of a feed-in tariff to purchase local renewable power.<sup>1</sup> DISC can approach VCE with the City, which is a member of the governance board of VCE, to finish developing that tariff. **This baseline feature provides the incentive for the developer to move this issue forward.**

***NRC5: If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power from solely renewable sources...***

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<sup>1</sup> See <https://valleycleanenergy.org/wp-content/uploads/VCEA-Implementation-Plan-Final-w-ATT-10-17-17.pdf>.

The Staff recommendation fails to include the most important element which is to maximize energy efficiency. The best way to reduce environmental impacts from energy use is to avoid energy use. **This provision should be included in the baseline features.**

***NRC7. All onsite commercial buildings shall be all-electric. Fossil fuels (e.g., natural gas, propane) shall only be allowed for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City's Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.***

***(Staff response): Requiring all electric is not consistent with the City of Davis Non-Residential Reach Code. The recommendation goes beyond our Reach Code and could require a cost effectiveness study and California Energy Commission review. Furthermore, it is anticipated that certain desired laboratory and advanced manufacturing uses may need natural gas or other fuel sources.***

In NRC6, the Staff report calls for requiring all-electric residential housing. This goes beyond current City code that only provides an incentive to build all-electric residential. Yet, the Staff rejects NRC7 for requesting exactly the same provision for non-residential buildings. This requirement will be subject to the exact same tests that NRC6 will face, which is none because it is in the development agreement and not in the City code. The Staff is wrong about the requirement for a cost-effectiveness test in this situation. In addition, the Staff report ignores the fact that the NRC included the exception for fossil fuel use that the Staff claims was ignored. **NRC7 should be included in the baseline features.**

***NRC9. All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.***

***(Staff response): Developer has indicated that it has feasibility concerns with this request particularly in the early phases.***

NRC members had discussions with the development company on this matter and the developers did not express any concern about limiting this provision to HVAC and lighting. This provision does not cover other internal uses such as office equipment, laboratory and manufacturing processes or other activities that are entirely under the control of tenants. This provision will be easy to meet with the combination of requiring (1) 100% renewable power and (2) all-electric construction except where needed to meet tenant requests. **NRC9 should be included in the baseline features.**

***NRC12. In anticipation of improved solar connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.***

The Staff report mistakenly implies that the NRC is requiring installation of a microgrid. The NRC is recommending that the development be required to be microgrid-ready. This proposal is consistent with the provisions in the draft Downtown Plan Chapter 8 "Implementation Actions: Sustainability." NRC members had discussions with the developer who indicated such a requirement was feasible. The alternative future cost of installing this conduit and supporting features is multiples of the low cost of including design provisions. **NRC12 should be included in the baseline features.**

**NRC14. (Staff response).** *The EIR lays out options for dealing with the ponding, none of which can occur on site or on another privately owned property within the City boundaries as the flow is away from the city.*

The NRC made this recommendation to prevent the use of City-owned property at Howatt Ranch for drainage without full compensation from the developer. **NRC14 should be included in the baseline features.**

**NRC16. (Staff response).** *Staff recommends that the applicant meet the City's Tree Ordinance requirements for shading.*

The City does not have a currently effective Tree Ordinance and revision has been delayed for at least three years. **Without assurance that the Tree Ordinance will be updated in a timely manner, NRC16 should be included in the baseline features.**

**NRC 19. All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows.**

Staff recommends that only the current City ordinance be required. That fails to consider the need for forward thinking to achieve the City's goals under the Climate Emergency Resolution. The just-released GHG inventory shows that 69% of the City's emissions are from transportation. Reducing those emissions will require reducing VMT and switching from gasoline and diesel-fueled vehicles. The NRC's recommendation only calls for all parking bays to be EV ready—that does not mean that charging infrastructure is required. As with being microgrid ready, it is much cheaper to preinstall certain underground infrastructure at the outset instead of digging up the parking lots later at ten times the cost (based on the difference in cost between "greenfield" and "brownfield" installations of electricity distribution infrastructure reported by PG&E in its mobilehome park conversion program.) Further, EV charging will enable onsite renewable generation with "vehicle to grid" (V2G) energy storage that will provide such storage for a steep discount compared to standalone storage, leading to future cost savings. The project developers represented to members of the NRC that such a requirement would not be burdensome. **NRC19 should be included in the baseline features.**

**NRC 20. All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall.**

Staff recommends applying only the City ordinance, which does not require rewiring for all multifamily parking stalls. See comment on NRC19 for further explanation on this issues. **NRC20 should be included in the baseline features.**

**NRC 21. (Staff response.) Market analysis indicates that the market will not bear paid parking for commercial in Davis. DA Ex. 12: Developer commits that when the market will bear parking fees, such fees will be implemented with proceeds supporting TDM measures.**

The Staff report provides no documentation for this purported "market analysis". The Staff appears to both misapply such a market analysis which is likely focused on retail commercial activity in downtown Davis, and miss the intent of the recommendation to reduce both VMT and GHG emissions. Various

studies, including these two that UCD Institute of Transportation Studies contributed to,<sup>2</sup> indicate that such fees are effective at achieving these objectives. Transportation demand measures (TDM) without parking fees will fail to achieve sufficient reductions in a cost-effective manner. **NRC21 should be included in the baseline features.**

**NRC32. Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space<sup>2</sup>.**

The Staff recommendation of one dwelling unit per 2,000 square feet of nonresidential space allows residential buildout at a rate 50% faster than commercial buildout. This will reduce the effectiveness of creating the jobs-housing balance that will reduce the environmental consequences from the project. (See further comments in NRC34 below.) **NRC32 should be included in the baseline features.**

**NRC 33. To provide an opportunity for a carfree lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.**

Paid parking is one of the most effective transportation demand measures and could lead to large reductions in VMT and GHG emissions, as noted in my comment on NRC21. The proposal in the Staff report is meaningless. Unbundling is irrelevant without an associated requirement for paid parking. Unbundled free parking is still free. **Include NRC33 in the baseline features.**

**NRC34: ...the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.**

**(Staff Response): This request jeopardizes overall project feasibility and is more than the market will bear.**

This project has been advertised as a business development focused on commercial and industrial uses. Residential building is to accommodate the workforce in an environmentally friendly manner. The finances for residential portion of the development should not weigh significantly on overall project feasibility unless the residential portion is overly costly. The Staff report only makes an assertion with no supporting documentation on this point and it should be rejected as speculative. In contrast, master leasing is common by companies in the Bay Area, including by Google and Apple. Davis housing prices are 75% to 80% higher than neighboring cities in Yolo County,<sup>3</sup> and master leasing is a direct means for companies to control housing costs in a favorable manner for their employees. This will lead to a reduction in commuting VMT.

Further, when the City Council certified the initial EIR on the MRIC provision upon which the SEIR is tiered, it adopted the following language as a requirement for MRIC (which is now DISC):

<sup>2</sup> See <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>, and [https://d3n8a8pro7vhm.cloudfront.net/climateplan/pages/44/attachments/original/1509403808/2017-PTA-Handy\\_UCDavis\\_VMT\\_Report\\_1.pdf](https://d3n8a8pro7vhm.cloudfront.net/climateplan/pages/44/attachments/original/1509403808/2017-PTA-Handy_UCDavis_VMT_Report_1.pdf).

<sup>3</sup> See Zillow sites: <https://www.zillow.com/davis-ca/home-values/>, <https://www.zillow.com/woodland-ca/home-values/>, and <https://www.zillow.com/west-sacramento-ca/home-values/>.

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

The City Council has already adopted the requirement that the NRC is again including its requirements for baseline features. The Staff's unsupported rejection of this proposal similarly rejects the previous action by the City Council. The Staff fails to note anything that has changed in the interim. The NRC is proposing a specific mechanism for ensuring that the City Council's officially stated requirement.

Thank you for your consideration of these comments.

**Proposed Environmental Sustainability Baseline Features  
for Davis Innovation Sustainability Campus**

The City of Davis (City) Natural Resources Commission (NRC) met on April 27, 2020 to discuss the proposed Davis Innovation Sustainability Campus (DISC; formerly known as the Aggie Research Campus) Project (Project). At this meeting, the NRC formed a subcommittee to propose environmental sustainability features (features) for the Project with consideration given to the applicant’s Environmental Sustainability Guiding Principles. These features were reviewed with the full NRC at a special meeting on May 14, 2020 and submitted to City staff on May 18, 2020. On June 3, 2020, the NRC met to discuss revisions to the proposed environmental sustainability baseline features, in response to City staff comment, as well as additional baseline features related to transportation demand management, site access, and traffic mitigation measures. The NRC voted unanimously to submit the features—following revision by the subcommittee based on feedback received during the meeting—to the Planning Commission, City Council and City Staff, with a recommendation for the revised features to be included in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote. The product of this discussion is below, and represents the NRC’s final recommendations for environmental sustainability features for the Davis Innovation Sustainability Campus Project.

The NRC has made recommendations for transportation demand management and traffic mitigation measures because transportation will contribute over 70% of the project’s GHG emissions. However, the Bicycle, Transportation, and Street Safety Commission will also be making recommendations for baseline features related to these topics. Both the NRC’s and BTSSC’s recommendations regarding transportation and traffic should be considered.

**Proposed environmental sustainability features for the Davis Innovation Sustainability Campus Project**

*Recommended for inclusion in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote*

**Measurement and Verification**

To ensure accurate tracking and reporting of achievement of Project sustainability goals and obligations, the Developer will establish a Master Owners Association (MOA) for the Project that reports to the City and is responsible for measurement of, verification of, and assuring compliance with Project sustainability obligations and mitigation measures. The MOA will prepare and submit for City approval a Sustainability and Mitigation Monitoring Reporting Plan. Per the Plan, the MOA will prepare and submit to the City annual reports that describe progress towards meeting sustainability goals and obligations and implementing mitigation measures, including all relevant provisions in the Project’s baseline features. Annual reports will also indicate what actions will be taken in the following year to meet phased actions as part of the sustainability goals and obligations and mitigation measures.

**Energy Efficiency and Usage**

The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite and ensuring that all Project structures consume 100 percent clean energy. “Clean energy” is defined as energy derived from technologies eligible for California’s Renewables Portfolio Standard (RPS). In addition, the Developer shall commit to the following measures:

- The Project shall meet all CALGreen Tier 1 prerequisites for Residential and Non-Residential buildings in effect at the time of permitting of each phase of the Project.
- The Project shall meet all City of Davis Residential and Commercial Energy Reach Code Standards in effect at the time of permitting of each phase of the Project.
- The Developer shall enter into a purchase and sale agreement with Valley Clean Energy (and/or another electric utility company) for all power produced by the Project in excess of on-site demand. This agreement shall ensure that all power generated but not used onsite is used locally.
- If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power from solely renewable sources such as Valley Clean Energy’s “UltraGreen” 100 percent renewable and 100 percent carbon-free service (or equivalent) to offset the deficit. This requirement will be continued for the lifetime of the Project by building owners.



- All onsite residential units shall be all-electric (i.e., shall not include natural-gas service).
- All onsite commercial buildings shall be all-electric, with the exception for fossil fuels (e.g., natural gas, propane) required for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City’s Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.
- Prior to beginning construction on each phase of the Project, the Developer shall prepare a report describing plans to incorporate passive heating and cooling strategies into building design so as to reduce overall energy demand. Such strategies may include but are not limited to: construction using thermally massive materials, incorporation of shading devices in the building envelope, strategic building orientation and window placement, and strategic planting of trees and other vegetation. This report shall be subject to review and approval by City staff. This recommendation has been expanded to motivate a higher level of commitment from the developer.
- All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.
- Prior to beginning construction on each phase on the Project, the Developer (and MOA for Phases 2 and 3) shall engage an outside consultant to conduct a solar feasibility assessment for development planned in that phase. The assessment shall identify all appropriate locations for solar photovoltaics (PV) or other future comparable technology, taking into account factors such as structure orientation, grid design, installation cost, and site landscaping. Locations may include but are not limited to rooftops, ground solar arrays, and constructed canopy structures. The Developer shall implement PV on all recommended locations, up to the extent that Project electricity demands are fully met. Note that this provision is not intended to and shall not substantially interfere with Project requirements for tree canopy. This recommendation has been expanded to clarify what “every conducive structure” means with regards to PV.
- The Project shall achieve net-zero energy for outdoor lighting through the use of onsite PV or similar technology.
- In anticipation of improved solar-connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.

#### Parking Lots and Internal Streets

The desired outcomes of design features for the Project’s parking lots and internal streets shall be to: (1) encourage a mode shift from Single Occupancy Vehicles (SOVs) to walking, bicycling, public transit, private transit, ridesharing, carsharing, carpooling, and/or micromobility; (2) encourage use of zero-emission vehicles (e.g., electric vehicles) where SOV use is necessary as well as in any alternative transportation service that relies on passenger vehicles; (3) reduce runoff and heat-island effects amplified by parking lots; and (4) reduce adverse visual, aesthetic, and quality-of-life impacts of working and living near parking lots. To further these desired outcomes, the developer shall implement the following features in its parking areas and/or along the Project’s internal roadway system:

- Low-impact development (LID) features, such as bioswales and permeable pavement, shall be implemented in all streets and surface-level parking to capture and filter runoff and maximize groundwater recharge.
- All parking surfaces or street-adjacent sidewalks that use or are conducive to tree shading shall incorporate structured soil or suspended substrate to allow successful tree-root development. The developer shall size the area of each pavement-treatment site to accommodate the maximum size of a tree that could reasonably be accommodated on that site.
- Landscaping shall provide 80 percent shading of pedestrian walkways and off-street bike paths. At least 50 percent parking-lot shading shall be achieved through either shade trees or PV arrays. Compliance with these requirements shall be demonstrated at the time of building by securing permits for adequate PV arrays and/or by consulting with a certified arborist on a tree-planting and -maintenance strategy expected to achieve the desired shading area within 15 years of planting.

Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied. Progress towards meeting the shading requirement shall be included in each Annual Report.

- Parking preference and priority shall be given to electric vehicles (EVs) and to vehicles participating in a carpool program. Only carpool and EV parking shall be allowed adjacent to buildings in spots not designated for disabled persons. Spots designated for disabled persons shall not be restricted to particular vehicle types.
- All stalls designated for EVs shall have charging stations pre-installed. Stations shall include a mix of free Level 1 charging and paid Level 2 charging. This recommendation has been updated and now matches the staff recommendation.
- All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows. This infrastructure will include electrical panels, conduit/raceways, overprotection devices, wires, and pull boxes and will be designed to support vehicle-grid integration. On-site demand for EV charging shall be reported in each year's Annual Report.
- All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall. Townhomes, if built to accommodate two vehicles, will be prewired to allow for the installation of a second charger.
- All commercial parking for non-electric SOVs shall be paid parking. To encourage occasional bus use, no discounts for monthly parking versus daily parking will be allowed.
- The Project shall be exempt from parking minimums otherwise required by the City for new development. Specifically, the minimum number of parking spots necessary for the Project shall be informed by the Project's TDM plan rather than general minimum parking requirements.

#### Landscaping and Water Conservation

To reduce Project demand on groundwater and potable water and to provide appropriate habitat for native species, the developer shall commit to the following measures:

- All Project landscaping shall be adapted for climate change, drought resistant, pollinator friendly, and maintained organically.
- Native and drought-tolerant plants shall predominate the plant palette. A diversity of native habitats— including but not limited to riparian and California oak savanna—shall be maintained throughout the Project site, primarily but not exclusively within the agricultural buffer and along the drainage channel.
- Turf shall be used only in areas (such as “The Oval” or organized sports fields) programmed for activities that require turf.
- The Developer shall engage with the Center for Land Based Learning, the UC Davis Arboretum, or other local expert(s) to design and manage its open and landscaped buffer areas. Landscape plans shall be subject to City review, including review by the Open Space and Habitat Commission and the Tree Commission.
- Consistent with the City's stormwater permit and regulations, stormwater runoff shall be captured, conveyed, and detained onsite in a series of bioretention facilities and similar devices intended to filter the runoff, maximize groundwater recharge, and provide deep watering for onsite vegetation.
- To prevent flooding of the channel, stormwater flows shall be retained onsite using swales, ponds, or other appropriate facilities, consistent with City stormwater regulations and system capacity. Stormwater facilities necessary to meet these regulations must be located on-site or on another privately-owned property incorporated within City boundaries. The stormwater facilities should be sized following a joint hydrological investigation with the City.
- The Developer shall install infrastructure suitable for conveying non-potable water to meet all landscape irrigation demands. The Developer shall convert this system to reclaimed/greywater water if and when such service is made available.
- All greywater shall be reused onsite where practical and permissible. The Developer shall install infrastructure (including two-way valves and piping) to support use of greywater from laundry

facilities in all townhomes. The Developer shall also identify opportunities for using greywater in multi-family housing and commercial buildings, and shall install infrastructure needed to pursue such opportunities. The MOA shall review proposed uses of greywater to prevent pollution. The MOA may require owners to revisit/update proposed plans for greywater reuse in the future, and may require installation of additional infrastructure as appropriate.

## Housing

Housing is included in the Project to maximize environmental benefits of mixed-use development. Specifically, including housing alongside commercial buildings and workplaces encourages walking and biking as commuting options, reduces air-quality impacts, and reduces the Project's overall carbon footprint. To further increase the sustainability benefits of onsite housing, the Developer shall commit to the following:

- All Project housing shall be medium- and high-density, incorporating 15–50 units per acre. No single-family detached housing shall be permitted.
- Housing shall be designed to meet the housing needs of the anticipated Project workforce and shall not resemble student-oriented housing found elsewhere in the City. No unit shall include more than three bedrooms. No rental apartment shall include more than two bedrooms.
- Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space<sup>1</sup>. This linkage will correlate the availability of housing with the creation of jobs which will maximize ARC employee occupancy of the housing.
- To provide an opportunity for a car-free lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.
- To minimize transportation emissions, the Developer shall strive to maximize the number of Project housing units occupied by individuals working onsite. To this end, the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.

## Recycling and Waste Disposal

- All buildings and facilities shall participate in a mandatory, site-wide recycling and compost program to be managed by the MOA. Building maintenance staff will be trained in best practices for maximizing commercial recycling.
- All common areas that include disposal options managed by the MOA shall include solid-waste disposal cans, recycling cans, and compost bins.

*To be submitted as part of the updated Environmental Sustainability Baseline Features recommendations to City staff and City Council, after review and approval by the NRC.*

## **Transportation Demand Management** This important section was added by the NRC following its meeting on June 3.

The Project will need to implement a comprehensive set of design features and Transportation Demand Management (TDM) strategies intended to reduce vehicle trips and vehicle miles traveled (and therefore greenhouse gas emissions), encourage the use of alternative transportation modes such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling, and provide safe infrastructure for bicyclists and pedestrians. The desired outcomes of a TDM Plan shall be to reduce greenhouse gas (GHG) emissions and transportation total carbon footprint through a reduction of the Project's vehicle miles traveled (VMT). A key strategy should be shifting away from single occupancy vehicle (SOV) use by incentivizing a mode shift to walking, bicycling, public transit, private transit, and/or 3+ carpool.

- A designated TDM manager shall be identified for the Project. The TDM manager shall represent the Developer, MOA, or other equivalent Project-related body, and shall report directly to the City.

<sup>1</sup> The ratio of one dwelling unit per 3,000 square feet is different ratio than the Developer-proposed one dwelling unit per 2,000 square feet. This directly ties housing to the proposed square footage in each phase of the ARC development, to ensure that housing growth is better matched with job growth at the site.

- Prior to, or concurrent with, adoption of Final Development Agreement, the Developer shall create a TDM plan that includes quantitative goals and temporal benchmarks for shifting away from single-/low occupancy vehicle use. The TDM plan shall also include metrics for assessing progress towards these goals and benchmarks. Responsibility for this task shall reside with the designated TDM manager.
- The TDM plan shall include actions that will result in a reduction of GHG emissions consistent with the City's then current Climate Action and Adaptation Plan (CAAP) and the goal of the City Council to achieve carbon neutrality by 2040. Subsequent phases of the Project shall not be permitted for construction unless the GHG-driven benchmarks for the previous phase of the Project are met.
- The TDM manager shall coordinate implementation of the Project's TDM strategies with UC Davis to ensure that relevant efforts by both parties are aligned and allow for cooperative ventures where appropriate.
- An additional goal of the TDM program shall be mitigation of daily traffic congestion generated by the project by reducing daily SOV trips by at least 33% compared to the business-as-usual (unmitigated) scenario predictions in the SEIR. In other words, at full buildout the project must generate fewer than 16,000 SOV trips per day (compared to the 24,000 trips predicted in the SEIR). This reduction requirement is to be applied incrementally at each phase of the Project. If daily SOV trips for each phase are not 33% lower than the business-as-usual (unmitigated) projections in the SEIR, then construction of the next phase shall not be permitted.
- Prior to the commencement of construction of each phase of the Project, the Developer/MOA shall commission a traffic study which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary beyond those specified later in this document. This analysis will also inform the City on mode share and the potential need for increased public transit services.
- The Developer/MOA shall review and update the TDM Plan every 2 years. The TDM Plan update shall include results of a travel behaviors survey, to be completed annually by the Developer/MOA. The annual survey shall include the travel behaviors of Project residents and employees (e.g., where employees live and by what mode they get to and from work; where residents work and by what mode they get to and from home). The updated TDM Plan, including survey results, shall be made publicly available.
- Prior to Phase 1, the Developer and the City shall agree upon a process for monitoring and evaluating TDM goals on an annual basis, modeled on the process detailed in the Nishi Gateway Project Sustainability Implementation Plan (2015). This monitoring and evaluation process will include an Annual Report, to be transmitted to the City, which details progress towards the actions outlined in the TDM plan and specification of actions required when TDM goals are not met. *(It should be noted that vehicle trip monitoring in the Nishi SIP is a surrogate for transportation GHG emissions, while modeling to estimate actual GHG emissions is preferred for DISC.)*

The Project shall include the following features, in addition to features identified by the TDM Plan, to encourage a shift to alternative transportation modes, such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling:

- The Project shall be designed to accommodate and incentivize private transit, local transit (Unitrans), and regional transit (Yolobus) through the following measures:
  - The Project shall include a central transit plaza to serve as the hub for a variety of mode shares.
  - The Project shall include transit stops located throughout site to ease pedestrian access such that no transit stop is further than 400 meters from any occupied building.
  - The Developer shall petition Yolobus and Unitrans to increase the frequency and capacity of bus service to the central transit plaza as the Project develops. The Developer shall provide funding, if necessary, to the transit services to implement the change.
  - Phase 2 cannot commence until after the implementation of an on-demand electric transit to and from UCD and scheduled electric transit to and from the Amtrak/Capital Corridor station running weekdays including the AM to PM peak commute periods.

- To promote transit use, the MOA shall provide upon request free passes for local and regional transit service (e.g., a unlimited access pass similar to Yolobus and Unitrans' pass for UC Davis undergraduates) to the Project's residents and employees.
- The Project shall include parking to accommodate single-occupancy vehicles (SOVs) and carpool vehicles while also incentivizing other modes of transportation:
  - As part of the TDM plan, the Developer will determine the appropriate number of parking stalls, which may be fewer than City parking minimums. Commercial parking requirements shall be determined by the TDM plan. For residential development no more than one stall per residential unit shall be provided onsite.
  - All employers shall create through the MOA or participate in a regional carpool program that is modeled after and functionally equivalent to the UC Davis goClub carpool program. The program shall be open to all Project residents and employees.
  - Carshare and preferential carpool spaces shall be provided, with the number of appropriate stalls to be specified in the TDM plan.
  - Parking costs shall be unbundled from the cost of other goods and services. A separate fee shall be charged for all parking spaces (commercial and residential).
  - Parking cash-out programs shall be offered by any employer who provides a parking subsidy to employees, to give employees who do not drive a cash benefit equivalent to the value of the offered parking subsidy. The MOA shall be in charge of ensuring that employers comply with this program and shall record participation in the Annual Report.
- The Developer shall provide bicycle facilities and infrastructure comparable to the City's Platinum-level Bicycle Friendly Community Certification to support bicycling within and to the site, including the following features:
  - Provide short term bicycle parking, as required by Davis Municipal Code.
  - Provide end-of-commute facilities (showers, lockers, changing rooms) and support electric bicycle charging in all commercial buildings.
  - Provide covered and secured long-term bicycle parking at central locations within the site and at the central transit hub.
  - Provide community bicycle repair facilities.
  - The MOA shall implement a bicycle share program including electric-assist bicycles for employees and residents to use on and off the Project site.
  - A bicycle network of Class IV protected cycle tracks shall connect bicyclists to all areas of the site and all key connecting streets/facilities.
- The Developer shall provide accessible sidewalks that facilitate pedestrian access within and to the site, including the following features:
  - All pedestrian access routes shall be readily accessible by all users, particularly individuals with disabilities. Street design should emphasize universal design through use of appropriate width, grade, surface material, tactile cues, audible cues, and push buttons. The Developer shall reference the United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), or other appropriate reference.

Site Access and Traffic Mitigation Features This important section was added by the NRC following its meeting on June 3.

The follow measures are recommended to improve site access and mitigate traffic impacts of the Project. The Developer shall fund infrastructure to mitigate traffic problems attributable to the project either wholly, where the problem is mainly caused by the Project, or proportionately, for traffic improvement measures where the Project is a partial contributor to the problem. The intent is to avoid subsidization of the Project by the City providing funding for traffic mitigation measures.

As described below, City approvals will not be granted for different phases of the Project until public and private funding are budgeted and available, and regulatory approvals have been granted. In other words, all obstacles to the start of construction have been removed.

In general, the base conditions will include at a minimum the construction or implementation of all the mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F -

Transportation Impact Analysis, including the “Potential Operational Enhancements” identified in the Traffic Study. Specific projects are highlighted below, but this should not be taken as a comprehensive list. The Developer may propose alternative projects to the City, but these will not be approved unless the Developer can demonstrate that the alternative achieves equal or better site access and/or traffic mitigation without causing other problems.

The desired outcomes of site-access measures are reduction of the Project’s vehicle miles traveled (VMT) through improvements for bicycle, pedestrian, and transit access to the Project site.

- Phase 1 Site Access
  - The Developer shall provide sites for bus stop relocation for Yolobus and Unitrans along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are allowed by the transit agencies.
  - The Developer shall fully fund construction of a new grade-separated bicycle and pedestrian crossing of Mace Boulevard, located near Alhambra Drive.
  - The Developer shall contribute funding to construction of a new Class IV bicycle path and separated pedestrian path on the inside of the Mace Curve between the new grade-separated bicycle and pedestrian crossing (see previous bullet) and Harper Junior High School. Such funding shall be proportional to the use of this facility by Project residents and employees.
  - The Developer shall contribute funding to construction of improved pedestrian and bicycle connections for both north-bound and south-bound pedestrian and bicycle traffic on the Mace Blvd/I-80 overpass and continuing to the Project site. Such funding shall be proportional to the use of this facility by Project residents and employees.
- Phase 2 Site Access
  - The Developer shall petition to reroute Unitrans and Yolobus service off Mace Blvd. and to the central transit plaza and through the Project site. If necessary, the Developer will provide funding to the transit services to implement this change.

The desired outcomes of traffic-mitigation measures are to reduce the transportation total carbon footprint and adverse level of service (LOS) traffic impacts on roads in the Project vicinity, including Mace Boulevard, Covell Boulevard, and I-80.

- Phase 1 Traffic Mitigation
  - Phase 1 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for construction or implementation of all other mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis.
  - The Developer shall contribute funding to the City to study and implement bus rapid (BRT) transit strategies, including a bus signal preemption system on Mace Boulevard and Covell Boulevard for freeway access or local traffic bypass.
- Phase 2 Traffic Mitigation
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for a rush-hour bus and 3+ high occupancy vehicle (HOV) lane and class IV bicycle path on the frontage road north of I-80 (county road 32) to allow traffic to bypass the Mace Blvd east bound on-ramps and west bound off-ramps to I-80.
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for the construction of bus/3+ HOV lanes on I-80 west of causeway between Richards Blvd and the Yolo Causeway.
- Phase 3 Traffic Mitigation
  - Phase 3 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for adding bus/3+ HOV lanes eastbound and westbound on the Yolo Causeway (I-80).

#### Mitigation Measures

The project shall comply with and ensure public or private funding and completion within a two-year period for all Mitigation Measures identified in the Approved Mitigation, Monitoring, and Reporting Plan.

## Implementation

Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at the DISC, a Sustainability Implementation Plan shall be developed and implemented to ensure compliance with the Environmental Sustainability Baseline Features to the satisfaction of the City.

June 8, 2020

To: Planning Commission

From: Richard McCann, Member, Natural Resources Commission

**Response to City of Davis Staff Report on the Davis Innovation and Sustainability Campus – Baseline Features**

I submit these comments as a private citizen and not on behalf of the Natural Resources Commission (NRC). However, I was on the first NRC subcommittee tasked with developing the draft baseline features and am intimately familiar with the intent and mechanisms of these proposals.

For the State of California to achieve its GHG reduction goals by 2045 under state law will require largely eliminating all natural gas use in all buildings and widespread adoption of electric vehicles. Looking forward a quarter century, we need to start this process by ending the use of methane fuels in new buildings. (Reducing use in existing buildings will be an even larger hurdle.) The Planning Commission should support this initiative by the NRC to achieve our climate change goals that are consistent with the Climate Emergency Resolution adopted by the City Council in 2019. If the developers of the Davis ***Innovation and Sustainability*** Campus want to be truly innovative and sustainable—true leaders that will attract cutting edge entrepreneurs—they will agree with the NRC's proposals, disregarding the Staff's recommendations where they conflict.

The Staff Report to the Planning Commission provides in Attachment 6 a comparison of the baseline features proposed by the NRC and what the Staff is recommending to be adopted. The Staff has inappropriately taken on an adjudicatory role that is reserved in state law to the Planning Commission and City Council in this report. The Staff rejected every single NRC proposal that differed from that proposed by the developer. The Staff has sided with the developer over the recommendations of the well-informed citizens of Davis that were appointed by the City Council in large part due to the expertise that those citizens bring to these deliberations. The Staff ignored the research, analysis and deliberations that NRC members conducted since fall 2019 in its rather arbitrary dismissal of the NRC proposals.

In several cases, the Staff appears to be confused about what the NRC actually proposed and rejects those proposals based on misinformation. In addition, the NRC made proposals based on previous City actions that the Staff rejected, including a housing proposal based on the City Council's certification of the original MRIC EIR. Finally, the Staff appears to have misinterpreted or misunderstood other studies, or have failed to provide supporting evidence for rejecting the NRC's proposals. The Planning Commission should consider and accept the NRC proposed features rather than simply accept the Staff's assertions in these cases.

Baseline features are required elements to be added to the development agreement that go beyond the minimum requirements contained in City ordinances, codes and regulations. If these features just simply matched what is already required, then there would be no need to establish baseline features in a development agreement. For this reason, simply rejecting certain proposals because they go beyond minimal requirements defeats the entire purpose of this exercise. The City will never achieve its environmental goals or provide leadership to the rest of state if this is the only reaching minimal standards.



My comments on Staff recommendations on NRC proposals follow:

***NRC2: The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite...***

Providing local energy production increases sustainability by minimizing the need for transmission and distribution grid infrastructure, lowers the cost of that generation overall, and better facilitates use of energy storage by avoiding that grid infrastructure (saving up to 10% in energy losses). Further, it increases local resilience by bringing energy generation and storage closer to the immediate load center. This is particularly important at the risk of wildfires increases and public safety power shutoffs (PSPS) increase commensurately for at least the next decade according to Pacific Gas & Electric (PG&E).

**Recommend full inclusion of NRC 2.**

***NRC3: (Staff response) Cal Green Tier 1 was [sic] not found to be cost effective and is therefore not required. The current Non Residential Reach code does not include an all electric provision and could require a cost effectiveness study and California Energy Commission review.***

This statement is mistaken and surprising. The Staff sent a memo to the NRC on September 25, 2018 stating that CalGreen Tier 1 is the basis of the current code. The Staff worked with the NRC in 2018 to develop a non-residential commercial building code based explicitly on CalGreen Tier 1. This was confirmed by City Staff in NRC meetings. NRC 3 is only restating what is already required as a prelude to the next statement. Note further that the current City code does not include a requirement that residential be all-electric, but instead provides an incentive to be all electric. So that baseline feature proposed by Staff already exceeds the City code requirements. Requiring this of the commercial space is therefore no different. This proposal does *not* include a change to the City building code and therefore is not subject to CEC review. It is specific to this project. **The reference to CalGreen Tier 1 should be included in case in the future City code falls below that standard. The commercial buildings should be required to be all-electric, except for the exceptions proposed by the NRC in NRC7.**

**Alternatively, the provision for restricting natural gas use on site would be to ban the installation of natural gas infrastructure except at the specific request of tenant for a specified purpose.**

***NRC4: (Staff response) The developer has agreed to enter into an agreement. However, it cannot be ensured that all power will be used locally.***

Valley Clean Energy Alliance has considered the implementation of a feed-in tariff to purchase local renewable power.<sup>1</sup> DISC can approach VCE with the City, which is a member of the governance board of VCE, to finish developing that tariff. **This baseline feature provides the incentive for the developer to move this issue forward.**

***NRC5: If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power from solely renewable sources...***

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<sup>1</sup> See <https://valleycleanenergy.org/wp-content/uploads/VCEA-Implementation-Plan-Final-w-ATT-10-17-17.pdf>.

The Staff recommendation fails to include the most important element which is to maximize energy efficiency. The best way to reduce environmental impacts from energy use is to avoid energy use. **This provision should be included in the baseline features.**

***NRC7. All onsite commercial buildings shall be all-electric. Fossil fuels (e.g., natural gas, propane) shall only be allowed for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City's Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.***

***(Staff response): Requiring all electric is not consistent with the City of Davis Non-Residential Reach Code. The recommendation goes beyond our Reach Code and could require a cost effectiveness study and California Energy Commission review. Furthermore, it is anticipated that certain desired laboratory and advanced manufacturing uses may need natural gas or other fuel sources.***

In NRC6, the Staff report calls for requiring all-electric residential housing. This goes beyond current City code that only provides an incentive to build all-electric residential. Yet, the Staff rejects NRC7 for requesting exactly the same provision for non-residential buildings. This requirement will be subject to the exact same tests that NRC6 will face, which is none because it is in the development agreement and not in the City code. The Staff is wrong about the requirement for a cost-effectiveness test in this situation. In addition, the Staff report ignores the fact that the NRC included the exception for fossil fuel use that the Staff claims was ignored. **NRC7 should be included in the baseline features.**

***NRC9. All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.***

***(Staff response): Developer has indicated that it has feasibility concerns with this request particularly in the early phases.***

NRC members had discussions with the development company on this matter and the developers did not express any concern about limiting this provision to HVAC and lighting. This provision does not cover other internal uses such as office equipment, laboratory and manufacturing processes or other activities that are entirely under the control of tenants. This provision will be easy to meet with the combination of requiring (1) 100% renewable power and (2) all-electric construction except where needed to meet tenant requests. **NRC9 should be included in the baseline features.**

***NRC12. In anticipation of improved solar connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.***

The Staff report mistakenly implies that the NRC is requiring installation of a microgrid. The NRC is recommending that the development be required to be microgrid-ready. This proposal is consistent with the provisions in the draft Downtown Plan Chapter 8 "Implementation Actions: Sustainability." NRC members had discussions with the developer who indicated such a requirement was feasible. The alternative future cost of installing this conduit and supporting features is multiples of the low cost of including design provisions. **NRC12 should be included in the baseline features.**

**NRC14. (Staff response). *The EIR lays out options for dealing with the ponding, none of which can occur on site or on another privately owned property within the City boundaries as the flow is away from the city.***

The NRC made this recommendation to prevent the use of City-owned property at Howatt Ranch for drainage without full compensation from the developer. **NRC14 should be included in the baseline features.**

**NRC16. (Staff response). *Staff recommends that the applicant meet the City's Tree Ordinance requirements for shading.***

The City does not have a currently effective Tree Ordinance and revision has been delayed for at least three years. **Without assurance that the Tree Ordinance will be updated in a timely manner, NRC16 should be included in the baseline features.**

**NRC 19. *All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows.***

Staff recommends that only the current City ordinance be required. That fails to consider the need for forward thinking to achieve the City's goals under the Climate Emergency Resolution. The just-released GHG inventory shows that 69% of the City's emissions are from transportation. Reducing those emissions will require reducing VMT and switching from gasoline and diesel-fueled vehicles. The NRC's recommendation only calls for all parking bays to be EV ready—that does not mean that charging infrastructure is required. As with being microgrid ready, it is much cheaper to preinstall certain underground infrastructure at the outset instead of digging up the parking lots later at ten times the cost (based on the difference in cost between "greenfield" and "brownfield" installations of electricity distribution infrastructure reported by PG&E in its mobilehome park conversion program.) Further, EV charging will enable onsite renewable generation with "vehicle to grid" (V2G) energy storage that will provide such storage for a steep discount compared to standalone storage, leading to future cost savings. The project developers represented to members of the NRC that such a requirement would not be burdensome. **NRC19 should be included in the baseline features.**

**NRC 20. All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall.**

Staff recommends applying only the City ordinance, which does not require rewiring for all multifamily parking stalls. See comment on NRC19 for further explanation on this issues. **NRC20 should be included in the baseline features.**

**NRC 21. (Staff response.) *Market analysis indicates that the market will not bear paid parking for commercial in Davis. DA Ex. 12: Developer commits that when the market will bear parking fees, such fees will be implemented with proceeds supporting TDM measures.***

The Staff report provides no documentation for this purported "market analysis". The Staff appears to both misapply such a market analysis which is likely focused on retail commercial activity in downtown Davis, and miss the intent of the recommendation to reduce both VMT and GHG emissions. Various

studies, including these two that UCD Institute of Transportation Studies contributed to,<sup>2</sup> indicate that such fees are effective at achieving these objectives. Transportation demand measures (TDM) without parking fees will fail to achieve sufficient reductions in a cost-effective manner. **NRC21 should be included in the baseline features.**

**NRC32. Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space<sup>2</sup>.**

The Staff recommendation of one dwelling unit per 2,000 square feet of nonresidential space allows residential buildout at a rate 50% faster than commercial buildout. This will reduce the effectiveness of creating the jobs-housing balance that will reduce the environmental consequences from the project. (See further comments in NRC34 below.) **NRC32 should be included in the baseline features.**

**NRC 33. To provide an opportunity for a carfree lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.**

Paid parking is one of the most effective transportation demand measures and could lead to large reductions in VMT and GHG emissions, as noted in my comment on NRC21. The proposal in the Staff report is meaningless. Unbundling is irrelevant without an associated requirement for paid parking. Unbundled free parking is still free. **Include NRC33 in the baseline features.**

**NRC34: ...the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.**

**(Staff Response): This request jeopardizes overall project feasibility and is more than the market will bear.**

This project has been advertised as a business development focused on commercial and industrial uses. Residential building is to accommodate the workforce in an environmentally friendly manner. The finances for residential portion of the development should not weigh significantly on overall project feasibility unless the residential portion is overly costly. The Staff report only makes an assertion with no supporting documentation on this point and it should be rejected as speculative. In contrast, master leasing is common by companies in the Bay Area, including by Google and Apple. Davis housing prices are 75% to 80% higher than neighboring cities in Yolo County,<sup>3</sup> and master leasing is a direct means for companies to control housing costs in a favorable manner for their employees. This will lead to a reduction in commuting VMT.

Further, when the City Council certified the initial EIR on the MRIC provision upon which the SEIR is tiered, it adopted the following language as a requirement for MRIC (which is now DISC):

<sup>2</sup> See <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>, and [https://d3n8a8pro7vhmx.cloudfront.net/climateplan/pages/44/attachments/original/1509403808/2017-PTA-Handy\\_UCDavis\\_VMT\\_Report\\_1.pdf](https://d3n8a8pro7vhmx.cloudfront.net/climateplan/pages/44/attachments/original/1509403808/2017-PTA-Handy_UCDavis_VMT_Report_1.pdf).

<sup>3</sup> See Zillow sites: <https://www.zillow.com/davis-ca/home-values/>, <https://www.zillow.com/woodland-ca/home-values/>, and <https://www.zillow.com/west-sacramento-ca/home-values/>.

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

The City Council has already adopted the requirement that the NRC is again including its requirements for baseline features. The Staff's unsupported rejection of this proposal similarly rejects the previous action by the City Council. The Staff fails to note anything that has changed in the interim. The NRC is proposing a specific mechanism for ensuring that the City Council's officially stated requirement.

Thank you for your consideration of these comments.

Introduced to the Senate Floor on June 4, 2020.



## **ASUCD SENATE RESOLUTION #26**

Authored by: KRUEGER

Co-authored by: Bhadury, Gibson, Pasturel, Placencio, Wong

Introduced by: Environmental Policy and Planning Commission

Recommended by: Environmental Policy and Planning Commission.

Do Pass as Amended, on June 1, 2020, 9-0-0 Yes: Bhadury, Faessel, Fraley, Landesman, Pano, Placencio, Pasturel, Ottman, Webre.

An ASUCD Senate Resolution to supports the Davis Innovation and Sustainability Campus.

WHEREAS, support for an innovative and sustainable campus spans over three decades. On April 29, 2020, the Economic and Planning System, Inc. reviewed the financial viability of the campus and reported the Davis area stands to gain at least 5.4 million in annual revenue;<sup>1</sup> and,

WHEREAS, Yolo County broadband infrastructure stands to benefit from the successful implementation of DISC. Yolo County received a "D-" grade from the Valley Vision 2020 Six County Broadband Infrastructure Report Card.<sup>2</sup> DISC expects to use high speed broadband infrastructure to support the companies it brings in. Yolo County stands to receive the spillover benefits of strengthened wireline company relations which can catalyze the construction of broadband infrastructure for the entire community; and,

WHEREAS, UC Davis can help its students access world-class agricultural, medical, & clean technology jobs following graduation. 42% of UC Davis graduates secure full-time jobs one year after graduation.<sup>3</sup> Constructing a worldwide technology capital within close proximity to campus presents students with the advantage of securing a job in an environment they have become accustomed to already. DISC

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<sup>1</sup> <https://www.cityofdavis.org/Home/Components/News/News/6996/2985?backlist=%2f>;  
<https://www.davisvanguard.org/2020/05/arc-plans-for-most-affordable-housing-to-be-on-sight/>

<sup>2</sup> <http://www.valleyvision.org/wp-content/uploads/Broadband-Report-Card-2020-1.pdf>

<sup>3</sup> UC Davis Student Profile (University of California, Davis, 2019) 4  
<https://www.ucdavis.edu/sites/default/files/upload/files/uc-davis-student-profile.pdf>

will also open many new internship opportunities which students can translate into post-graduation employment; and,

WHEREAS, the aesthetic impact of the DISC project would be greater in comparison to the No Project (No Build) alternative, the Reduced Site Size Alternative, Reduced Project Alternative, and OffSite Alternative;<sup>4</sup> and,

WHEREAS, the EIR found little significance prior to mitigation regarding substantial adverse effect on a scenic vista; and,

WHEREAS, the DISC would create at least 150 units of affordable housing and a total of 850 residential units in an area where 18% of students experience housing insecurity and there is a 1% vacancy rate;<sup>56</sup> and,

WHEREAS, in 2014, 69.1% of Davis residents commuted outside of the area for work and the DISC would provide local jobs and housing opportunities;<sup>78</sup> and,

WHEREAS, the project managers have planned the necessary precautions to mitigate the environmental impact. All impacts on special-status plant and animal species are considered less than significant, or will be less than significant with mitigation.<sup>9</sup> The 2019 Biological Survey for DISC concludes that "Mitigation measures for biological resources in the Project Environmental Impact Report [...] remain adequate for the proposed [DISC] development."<sup>10</sup> and,

WHEREAS, DISC's solar panels will have minimal impact on wildlife. Sycamore Environmental Consultants, hired to review the environmental consequences of the building project, conducted a literature review and determined the likelihood of wildlife, particularly avian species, are unlikely to collide with solar panels;<sup>11</sup> and,

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<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/Aggie%20Research%20Campus%20Draft%20Subsequent%20EIR.pdf>

<sup>5</sup> [https://ucdavisgsa.files.wordpress.com/2019/06/saper\\_shais-finalreport.pdf](https://ucdavisgsa.files.wordpress.com/2019/06/saper_shais-finalreport.pdf)

<sup>6</sup> <https://www.davisvanguard.org/2020/05/guest-commentary-housing-demand-is-still-high-and-university-commons-would-provide-relief-in-a-superb-location/>

<sup>7</sup> <https://www.cityofdavis.org/home/showdocument?id=7985>

<sup>8</sup> <https://www.davisvanguard.org/2020/05/arc-plans-for-most-affordable-housing-to-be-on-sight/>

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<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/Aggie%20Research%20Campus%20Draft%20Subsequent%20EIR.pdf>  
[http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/2019\\_ARC\\_BioUpdateLtr.pdf](http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/2019_ARC_BioUpdateLtr.pdf)

10

[http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/2019\\_ARC\\_BioUpdateLtr.pdf](http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/2019_ARC_BioUpdateLtr.pdf)

11

[http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/ARC\\_ResponseToSmallwoodNOP\\_BirdImpactComments.pdf](http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/ARC_ResponseToSmallwoodNOP_BirdImpactComments.pdf)

WHEREAS, natural gas and renewable energy generated 56% of America's power in 2019 and is only expected to increase; California produces more renewable energy than any other state in the country;<sup>12</sup> and,

WHEREAS, the DISC would utilize the City of Davis's energy-efficient building standards to ensure LEED Gold equivalency. The project would maximize clean energy production onsite and consume 100 percent renewable energy;<sup>13</sup> and,

WHEREAS in order to achieve 100 percent clean energy, the project would purchase power solely from local and renewable sources like Valley Clean Energy, mandate extensive use of photovoltaics on parking garages, abstain from using natural gas and instead make onsite residential units all-electric, include an electric vehicle charging unit in each residential unit, and achieve net zero energy for outdoor lighting;<sup>14</sup> and,

WHEREAS, the Davis Chamber of Commerce supports building of the DISC, referencing the expected economic benefits of the development;<sup>15</sup> and,

WHEREAS, the DISC is expected to create more than 6,000 new jobs, generating \$500 million in annual employee compensation and benefits;<sup>16</sup> and,

WHEREAS, building the DISC will generate one-time fees of \$4.4 million for the Davis Joint Unified School District and \$113 million for the city of Davis,<sup>17</sup> which currently faces an ongoing \$8 million infrastructure deficit;<sup>18</sup> and,

WHEREAS, the city of Davis develops an average of 18 startups per year and retains only 23% of UC Davis students in the Sacramento region after graduation, compared to the University of Washington's average of 26 startups developed each year and 62% retention rate of graduated students in their area;<sup>19</sup> and,

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<sup>12</sup> <https://www.bcse.org/factbook/>

<sup>13</sup>

<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Natural-Resources-Commission/Agendas/20200514/6B.1%20Aggie%20Research%20Campus%20Sustainability%20Guiding%20Principles%20from%20project%20applicant%20NRC%205-14-2020.pdf>

<sup>14</sup>

<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Natural-Resources-Commission/Agendas/20200514/6B.1%20Aggie%20Research%20Campus%20Sustainability%20Guiding%20Principles%20from%20project%20applicant%20NRC%205-14-2020.pdf>

<sup>15</sup>

<https://www.davisvanguard.org/2020/05/letter-davis-chamber-of-commerce-supports-the-aggie-research-campus/#>

<sup>16</sup>

<https://www.davisvanguard.org/2020/05/letter-davis-chamber-of-commerce-supports-the-aggie-research-campus/#>

<sup>17</sup>

<https://www.davisvanguard.org/2020/05/letter-davis-chamber-of-commerce-supports-the-aggie-research-campus/#>

<sup>18</sup> <https://www.davisvanguard.org/2019/06/analysis-the-promise-of-economic-development-for-davis/>

<sup>19</sup>

<https://www.davisvanguard.org/2020/03/analysis-how-uc-davis-compares-to-other-universities-in-terms-of-startups/>



WHEREAS, by developing the DISC Davis can increase both the available infrastructure for startup development and increase the number of high-skilled jobs in the city of Davis, thereby reaping the economic benefits of retaining college graduates and attracting other highly-skilled labor to the area<sup>20</sup>; and,

WHEREAS DISC will bring 1.5 million square feet of R&D, office, and laboratory space along with 884,000 square feet of "advanced manufacturing space"<sup>21</sup> to the Davis area, which is currently an unattractive investment for large companies due to lack of lab and office space, and which may even lose investment from existing companies due to limited space for these companies to grow;<sup>22</sup> and,

THEREFORE LET IT BE RESOLVED THAT, ASUCD supports the development of the Davis Innovation and Sustainability Campus (DISC); and,

THEREFORE LET IT BE FURTHER RESOLVED THAT, ASUCD supports all efforts to increase affordable housing, create jobs, help the local economy, and achieve greater environmental sustainability.

THEREFORE LET IT BE FINALLY RESOLVED THAT, copies of this resolution shall be sent to Davis City Council, Davis Planning Commission, The Davis Vanguard, Davis Enterprise, and The Aggie.

Finance: No

Appropriation: None

Vote: Majority

DO PASS, 11-0-1 BY A ROLL CALL VOTE OF THE ASUCD SENATE ON JUNE 4, 2020. YES: BOUDAIE, DESHPANDE, ELIZALDE, FONG, GANDHOKE, IBARRA, MALIK, MARTINEZ, RANDOLPH, VELASCO, YOUEDON. ABSTAIN: CARDUNY.



6/9/2020

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Kyle Krueger  
ASUCD President

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Date

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<sup>20</sup>

<https://www.davisvanguard.org/2020/03/analysis-how-uc-davis-compares-to-other-universities-in-terms-of-startups/>

<sup>21</sup> <https://www.davisisc.com/project-details>

<sup>22</sup>

<https://www.davisvanguard.org/2019/08/analysis-the-story-of-davis-lack-of-jobs-for-ucd-grads-lack-of-space-for-commercial-projects/>

Dear Davis City Planning Commission and Davis City Council Members,

I am writing in full support of the Davis Innovation Sustainability Center (DISC, formerly Aggie Research Campus). I have lived in Davis since 1992, when I co-founded, and was President of, Novo Nordisk Biotech, Inc. for 15 years, (now named Novozymes, Inc.), have had numerous interactions with UC Davis (2 term Board of Trustee member; Co-Founder and Chair of the Robert Mondavi Wine and Food Science Institute, Various Dean and Vice Chancellor Advisory roles), interacted with/supported numerous UC Davis scientists/entrepreneurs, started UC Davis spin-off companies, as well as being a member of the Yolo County Economic Council. The inventive nature of the scientists in Davis is quite significant, but, what has always lacked was the infrastructure to set in motion, the start-up nature of Davis originated companies. Several had to go to the Bay Area for infrastructure reasons.

The DISC development project is quite unique and meets the needs of the innovative culture of Davis. I hope that you will be in full support of this significant project. The mix of company infrastructure, housing, open space is just what this city needs. The demand is there, as well as the economic gain for the City of Davis. Being close to UCD is key for many companies, as the interactions are vitally important for collaboration. I, myself, tried to move my Bay Area (Taxon Biosciences in Tiburon) company to Davis in 2014, but there was no available space, so the company stayed in Tiburon. A recent UCD spinoff, that I helped to co-found, Digestiva, had to locate in Sacramento, due to the dearth of lab space in Davis; but still prefers to be in Davis.

There is no doubt a strong demand for DISC-type of facilities in Davis. I believe that there will be no trouble in finding the envisioned tenants for the DISC facilities. In fact, I am working with two different venture capital groups with the goal of starting companies in Davis, we just need the space (labs/offices)!

On the economic front, the DISC project seems like a significant financial win for Davis. The City of Davis will come out ahead, with about \$5.4M annual budget surplus, when this project is developed. Thus, this project will go a long way towards fixing any City financial shortfalls. In addition, when fully developed, the DISC project should bring about 6,000 new jobs to Davis, a significant opportunity that the City should not give up

In addition to the lab, office and industrial space, the DISC project also include housing, green spaces, which makes it a great project from an environmental and economic standpoint. Onsite housing will ease the strain on the City's transportation system.

In summary, the DISC project seems just what the City of Davis needs now. Let's build a community that nurtures local entrepreneurship and attracts significant investment from companies that would love gain some Davis strength. I sincerely hope that you vote to pass/put forward the DISC project.

Best regards,  
Glenn Nedwin, Davis resident since 1992.



# DAVIS DOWNTOWN

**To:** Planning Commission, City of Davis  
**From:** Davis Downtown Business Association

June 9, 2020

Dear Members of the Davis Planning Commission,

On behalf of the Davis Downtown Business Association/Davis Downtown, representing over 700 businesses and community leaders in our city, we're writing to you in support of the proposed Davis Innovation & Sustainability Campus (DISC).

We believe DISC will improve quality of life for our members and residents through its considerable contribution to our local economy and many small businesses, while making considerable efforts to support a vibrant downtown business ecosystem.

We believe that DISC is, in effect, a stimulus project for Davis, with ripple effects that will uplift businesses throughout our City. The independent economic analysis created on behalf of the City shows that DISC will bring an annual economic impact of \$1.7 billion to Davis at buildout. The effect this will have on the local economy should make Davis more attractive to local small businesses, many of which are struggling in the current economic downturn. It possesses huge potential for downtown Davis businesses, with a new base of customers living and working near downtown Davis who can help rejuvenate the vibrancy of our city's core. We want the opportunity to compete for their business.

The diverse options provided downtown to dine, entertain, unwind, and shop will be a magnet for customers earning good wages and looking to enjoy life in Davis away from the office. It is estimated that employee compensation at DISC will exceed \$500 million, and a lot of that money will be available to spend downtown. The prospect of a new hotel, a quick (electric) shuttle ride away from downtown Davis and the Amtrak station, will also help us attract new customers. Davis Downtown will be able to plan for special marketing initiatives and partnerships with residents, employees, and business owners in DISC to enhance our downtown business economy.

The City is in for a rough patch of budget shortfalls and anything we can do to dampen the harm felt by residents and the broader business community needs to be strongly considered. By contributing more than \$5 million to Davis' general fund at buildout, DISC is part of the solution.

The project is designed to help our community retain the entrepreneurial talent and inventive minds being cultivated at UC Davis that, unfortunately, often move to other jurisdictions because there's a place for them to grow in the City of Davis. While some of DISC's envisioned business owners and employees are already integrated into the community and familiar with the great businesses located in our downtown core, there is potential for so much more. That truly excites us about this project.

DISC provides a major opportunity to strengthen our businesses, improve our employees' earnings (especially our tipped employees), and our City's tax base. As you review the project, we want you to know that the Davis Downtown Business Association strongly supports DISC, and we urge you to support it. Thank you for your consideration.

Sincerely,

Brett Maresca | Executive Director  
Davis Downtown Business Association

DISC public comment

Good evening Planning Commissioners.

My name is Larry Guenther and I am speaking on my own behalf.

I am in favor of the concept of this proposal, but before I would ask you to recommend approval, I would ask that some fairly major flaws be addressed.

Creating more cooperation and nexus between UC Davis and the City of Davis is a good thing. Creating space for UC Davis ideas to flourish and become reality is a good thing. But they are not good things in and of themselves.

The traffic study report is disturbing. While often dismissed as NIMBY'ism, traffic (or more accurately Vehicle Miles Travelled, or VMT) is our biggest environmental issue, but fortunately the one we can do most about, with proper planning. The biggest negative impact our society has on the environment is the burning of fossil fuels and the biggest user of fossil fuels is the automobile. Single-driver vehicles commuting between work and home are one of, if not the, biggest impact we have on our environment and it is something that can be mitigated by proper development. This project is designed as a commuter destination. The VMT number is large even if all the assumptions become reality, which is unlikely. The fact that the traffic study admits that this project will have severe negative consequences that cannot be mitigated means that if we approve this project, we are saying we accept the negative impacts as part of the cost of this project. Los Angeles wasn't built in a day.

Creating more jobs than housing will only put more pressure on an already problematic housing situation.

Information that City staff have deviated from policy to degrade habitat for native species (Burrowing Owl) to induce them to move, thereby avoiding conflicts with development, is very disturbing.

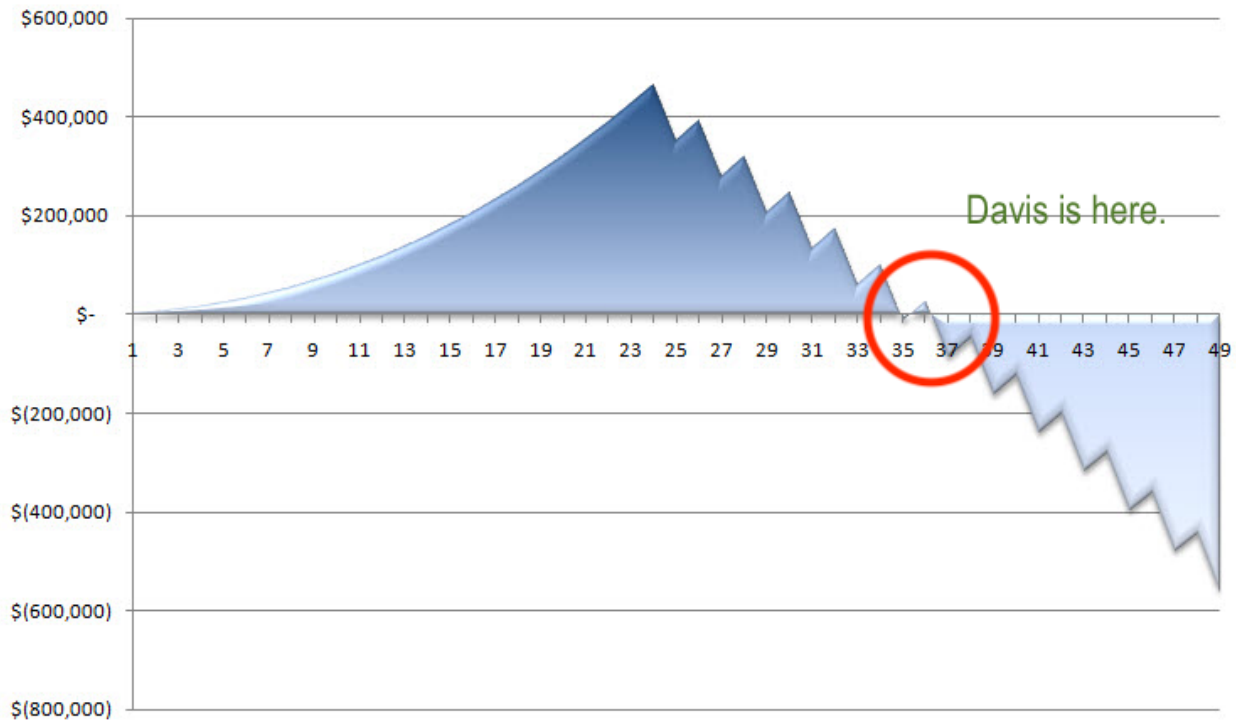
Using land purchased for open space with Measure O funds as the buffer 'between' the development and the open space is, at best, a breach of public trust.

And finally, the City of Davis is currently experiencing an 8-12 million-dollar-per-year deficit. This is expected to grow. The simple problem is that tax revenue from existing development is not sufficient to maintain City services. This was discussed by Charles Marohn in a talk as part of the Davis Futures Forum. We are relying on the development fees from the current projects to pay for the maintenance of past development. This is a Ponzi scheme and must stop. We cannot "lose money on every project and make it up in volume." The graphic below is from Charles Marohn's talk, which can be read here:

<https://www.strongtowns.org/journal/2011/6/15/the-growth-ponzi-scheme-part-3.html>

Members of the Finance and Budget Commission have serious concerns about the realistic payback to the City in the short term (up to 15 years). In the long term (20 years through the life of the project), this project will be a net cost to the City.

### Cumulative Cash Flow - Two Life Cycles



The idea that it's "this project or nothing" is a fallacy which is proven by this project itself. This plan has changed when the applicants have found their plan would not get approved.

I urge you to deny this project and to lay out the roadmap for a project whose principal is the same, but that will be a benefit to the City.

Thank you for your service to our community.

Sincerely,

Larry D. Guenther

## **Proposed Environmental Sustainability Baseline Features for Davis Innovation Sustainability Campus**

The City of Davis (City) Natural Resources Commission (NRC) met on April 27, 2020 to discuss the proposed Davis Innovation Sustainability Campus (DISC; formerly known as the Aggie Research Campus) Project (Project). At this meeting, the NRC formed a subcommittee to propose environmental sustainability features (features) for the Project with consideration given to the applicant's Environmental Sustainability Guiding Principles. These features were reviewed with the full NRC at a special meeting on May 14, 2020 and submitted to City staff on May 18, 2020.

On June 3, 2020, the NRC met to discuss revisions to the proposed environmental sustainability baseline features, in response to City staff comment. Additionally, the NRC addressed baseline features related to transportation demand management, site access, and traffic mitigation measures. The NRC voted unanimously to submit the features—following revision by the subcommittee based on feedback received during the meeting—to the Planning Commission, City Council and City Staff, with a recommendation for the revised features to be included in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote. The product of this discussion is below, and represents the NRC's final recommendations for environmental sustainability features for the Davis Innovation Sustainability Campus Project.

The NRC has made recommendations for transportation demand management and traffic mitigation measures because transportation contributes over 70% of GHG emissions in Davis, based on the latest GHG Inventory. This is within the stated NRC function/purpose: ‘advise on environmental matters relating to global warming’. However, the NRC understands that Bicycle, Transportation, and Street Safety Commission will also be making recommendations for baseline features related to these topics. Both the NRC's and BTSSC's recommendations regarding transportation and traffic should be considered.

### **Proposed environmental sustainability features for the Davis Innovation Sustainability Campus Project**

*Recommended for inclusion in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote*

#### **Measurement and Verification**

To ensure accurate tracking and reporting of achievement of Project sustainability goals and obligations, the Developer will establish a Master Owners Association (MOA) for the Project that reports to the City and is responsible for measurement of, verification of, and assuring compliance with Project sustainability obligations and mitigation measures. The MOA will prepare and submit for City approval a Sustainability and Mitigation Monitoring Reporting Plan. Per the Plan, the MOA will prepare and submit to the City annual reports that describe progress towards meeting sustainability goals and obligations and implementing mitigation measures, including all relevant provisions in the Project's baseline features. Annual reports will also indicate what actions will be taken in the following year to meet phased actions as part of the sustainability goals and obligations and mitigation measures.

#### **Energy Efficiency and Usage**

The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite and ensuring that all Project structures consume 100 percent clean energy. “Clean energy” is defined as energy derived from technologies eligible for California's Renewables Portfolio Standard (RPS). In addition, the Developer shall commit to the following measures:

- The Project shall meet all CALGreen Tier 1 prerequisites for Residential and Non-Residential buildings in effect at the time of permitting of each phase of the Project.
- The Project shall meet all City of Davis Residential and Commercial Energy Reach Code Standards in effect at the time of permitting of each phase of the Project.
- The Developer shall enter into a purchase and sale agreement with Valley Clean Energy (and/or another electric utility company) for all power produced by the Project in excess of on-site demand. This agreement shall ensure that all power generated but not used onsite is used locally.
- If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power

from solely renewable sources such as Valley Clean Energy’s “UltraGreen” 100 percent renewable and 100 percent carbon-free service (or equivalent) to offset the deficit. This requirement will be continued for the lifetime of the Project by building owners.

- All onsite residential units shall be all-electric (i.e., shall not include natural-gas service).
- All onsite commercial buildings shall be all-electric, with the exception for fossil fuels (e.g., natural gas, propane) required for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City’s Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.
- Prior to beginning construction on each phase of the Project, the Developer shall prepare a report describing plans to incorporate passive heating and cooling strategies into building design so as to reduce overall energy demand. Such strategies may include but are not limited to: construction using thermally massive materials, incorporation of shading devices in the building envelope, strategic building orientation and window placement, and strategic planting of trees and other vegetation. This report shall be subject to review and approval by City staff.
- All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.
- Prior to beginning construction on each phase on the Project, the Developer (and MOA for Phases 2 and 3) shall engage an outside consultant to conduct a solar feasibility assessment for development planned in that phase. The assessment shall identify all appropriate locations for solar photovoltaics (PV) or other future comparable technology, taking into account factors such as structure orientation, grid design, installation cost, and site landscaping. Locations may include but are not limited to rooftops, ground solar arrays, and constructed canopy structures. The Developer shall implement PV on all recommended locations, up to the extent that Project electricity demands are fully met. Note that this provision is not intended to and shall not substantially interfere with Project requirements for tree canopy.
- The Project shall achieve net-zero energy for outdoor lighting through the use of onsite PV or similar technology.
- In anticipation of improved solar-connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.

### Parking Lots and Internal Streets

The desired outcomes of design features for the Project’s parking lots and internal streets shall be to: (1) encourage a mode shift from Single Occupancy Vehicles (SOVs) to walking, bicycling, public transit, private transit, ridesharing, carsharing, carpooling, and/or micromobility; (2) encourage use of zero-emission vehicles (e.g., electric vehicles) where SOV use is necessary as well as in any alternative transportation service that relies on passenger vehicles; (3) reduce runoff and heat-island effects amplified by parking lots; and (4) reduce adverse visual, aesthetic, and quality-of-life impacts of working and living near parking lots. To further these desired outcomes, the developer shall implement the following features in its parking areas and/or along the Project’s internal roadway system:

- Low-impact development (LID) features, such as bioswales and permeable pavement, shall be implemented in all streets and surface-level parking to capture and filter runoff and maximize groundwater recharge.
- All parking surfaces or street-adjacent sidewalks that use or are conducive to tree shading shall incorporate structured soil or suspended substrate to allow successful tree-root development. The developer shall size the area of each pavement-treatment site to accommodate the maximum size of a tree that could reasonably be accommodated on that site.
- Landscaping shall provide 80 percent shading of pedestrian walkways and off-street bike paths. At least 50 percent parking-lot shading shall be achieved through either shade trees or PV arrays. Compliance with these requirements shall be demonstrated at the time of building by securing

permits for adequate PV arrays and/or by consulting with a certified arborist on a tree-planting and -maintenance strategy expected to achieve the desired shading area within 15 years of planting. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied. Progress towards meeting the shading requirement shall be included in each Annual Report.

- Parking preference and priority shall be given to electric vehicles (EVs) and to vehicles participating in a carpool program. Only carpool and EV parking shall be allowed adjacent to buildings in spots not designated for disabled persons. Spots designated for disabled persons shall not be restricted to particular vehicle types.
- All stalls designated for EVs shall have charging stations pre-installed. Stations shall include a mix of free Level 1 charging and paid Level 2 charging.
- All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows. This infrastructure will include electrical panels, conduit/raceways, overprotection devices, wires, and pull boxes and will be designed to support vehicle-grid integration. On-site demand for EV charging shall be reported in each year's Annual Report.
- All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall. Townhomes, if built to accommodate two vehicles, will be prewired to allow for the installation of a second charger.
- All commercial parking for non-electric SOVs shall be paid parking. To encourage occasional bus use, no discounts for monthly parking versus daily parking will be allowed.
- The Project shall be exempt from parking minimums otherwise required by the City for new development. Specifically, the minimum number of parking spots necessary for the Project shall be informed by the Project's TDM plan rather than general minimum parking requirements.

#### Landscaping and Water Conservation

To reduce Project demand on groundwater and potable water and to provide appropriate habitat for native species, the developer shall commit to the following measures:

- All Project landscaping shall be adapted for climate change, drought resistant, pollinator friendly, and maintained organically.
- Native and drought-tolerant plants shall predominate the plant palette. A diversity of native habitats— including but not limited to riparian and California oak savanna—shall be maintained throughout the Project site, primarily but not exclusively within the agricultural buffer and along the drainage channel.
- Turf shall be used only in areas (such as “The Oval” or organized sports fields) programmed for activities that require turf.
- The Developer shall engage with the Center for Land Based Learning, the UC Davis Arboretum, or other local expert(s) to design and manage its open and landscaped buffer areas. Landscape plans shall be subject to City review, including review by the Open Space and Habitat Commission and the Tree Commission.
- Consistent with the City's stormwater permit and regulations, stormwater runoff shall be captured, conveyed, and detained onsite in a series of bioretention facilities and similar devices intended to filter the runoff, maximize groundwater recharge, and provide deep watering for onsite vegetation.
- To prevent flooding of the channel, stormwater flows shall be retained onsite using swales, ponds, or other appropriate facilities, consistent with City stormwater regulations and system capacity. Stormwater facilities necessary to meet these regulations must be located on-site or on another privately-owned property incorporated within City boundaries. The stormwater facilities should be sized following a joint hydrological investigation with the City.
- The Developer shall install infrastructure suitable for conveying non-potable water to meet all landscape irrigation demands. The Developer shall convert this system to reclaimed/greywater water if and when such service is made available.



- All greywater shall be reused onsite where practical and permissible. The Developer shall install infrastructure (including two-way valves and piping) to support use of greywater from laundry facilities in all townhomes. The Developer shall also identify opportunities for using greywater in multi-family housing and commercial buildings, and shall install infrastructure needed to pursue such opportunities. The MOA shall review proposed uses of greywater to prevent pollution. The MOA may require owners to revisit/update proposed plans for greywater reuse in the future, and may require installation of additional infrastructure as appropriate.

### Housing

Housing is included in the Project to maximize environmental benefits of mixed-use development. Specifically, including housing alongside commercial buildings and workplaces encourages walking and biking as commuting options, reduces air-quality impacts, and reduces the Project’s overall carbon footprint. To further increase the sustainability benefits of onsite housing, the Developer shall commit to the following:

- All Project housing shall be medium- and high-density, incorporating 15–50 units per acre. No single-family detached housing shall be permitted.
- Housing shall be designed to meet the housing needs of the anticipated Project workforce and shall not resemble student-oriented housing found elsewhere in the City. No unit shall include more than three bedrooms. No rental apartment shall include more two bedrooms.
- Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space<sup>1</sup>. This linkage will correlate the availability of housing with the creation of jobs which will maximize ARC employee occupancy of the housing.
- To provide an opportunity for a car-free lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.
- To minimize transportation emissions, the Developer shall strive to maximize the number of Project housing units occupied by individuals working onsite. To this end, the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.

### Recycling and Waste Disposal

- All buildings and facilities shall participate in a mandatory, site-wide recycling and compost program to be managed by the MOA. Building maintenance staff will be trained in best practices for maximizing commercial recycling.
- All common areas that include disposal options managed by the MOA shall include solid-waste disposal cans, recycling cans, and compost bins.

*To be submitted as part of the updated Environmental Sustainability Baseline Features recommendations to City staff and City Council, after review and approval by the NRC.*

### Transportation Demand Management

The Project will need to implement a comprehensive set of design features and Transportation Demand Management (TDM) strategies intended to reduce vehicle trips and vehicle miles traveled (and therefore greenhouse gas emissions), encourage the use of alternative transportation modes such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling, and provide safe infrastructure for bicyclists and pedestrians. The desired outcomes of a TDM Plan shall be to reduce greenhouse gas (GHG) emissions and transportation total carbon footprint through a reduction of the Project’s vehicle miles traveled (VMT). A key strategy should be shifting away from single occupancy vehicle (SOV) use by incentivizing a mode shift to walking, bicycling, public transit, private transit, and/or 3+ carpool.

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<sup>1</sup> The ratio of one dwelling unit per 3,000 square feet is different ratio than the Developer-proposed one dwelling unit per 2,000 square feet. This directly ties housing to the proposed square footage in each phase of the ARC development, to ensure that housing growth is better matched with job growth at the site.

- A designated TDM manager shall be identified for the Project. The TDM manager shall represent the Developer, MOA, or other equivalent Project-related body, and shall report directly to the City.
- Prior to, or concurrent with, adoption of Final Development Agreement, the Developer shall create a TDM plan that includes quantitative goals and temporal benchmarks for shifting away from single-/low occupancy vehicle use. The TDM plan shall also include metrics for assessing progress towards these goals and benchmarks. Responsibility for this task shall reside with the designated TDM manager.
- The TDM plan shall include actions that will result in a reduction of GHG emissions consistent with the City's then current Climate Action and Adaptation Plan (CAAP) and the goal of the City Council to achieve carbon neutrality by 2040. Subsequent phases of the Project shall not be permitted for construction unless the GHG-driven benchmarks for the previous phase of the Project are met.
- The TDM manager shall coordinate implementation of the Project's TDM strategies with UC Davis to ensure that relevant efforts by both parties are aligned and allow for cooperative ventures where appropriate.
- An additional goal of the TDM program shall be mitigation of daily traffic congestion generated by the project by reducing daily SOV trips by at least 33% compared to the business-as-usual (unmitigated) scenario predictions in the SEIR. In other words, at full buildout the project must generate fewer than 16,000 SOV trips per day (compared to the 24,000 trips predicted in the SEIR). This reduction requirement is to be applied incrementally at each phase of the Project. If daily SOV trips for each phase are not 33% lower than the business-as-usual (unmitigated) projections in the SEIR, then construction of the next phase shall not be permitted.
- Prior to the commencement of construction of each phase of the Project, the Developer/MOA shall commission a traffic study which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary beyond those specified later in this document. This analysis will also inform the City on mode share and the potential need for increased public transit services.
- The Developer/MOA shall review and update the TDM Plan every 2 years. The TDM Plan update shall include results of a travel behaviors survey, to be completed annually by the Developer/MOA. The annual survey shall include the travel behaviors of Project residents and employees (e.g., where employees live and by what mode they get to and from work; where residents work and by what mode they get to and from home). The updated TDM Plan, including survey results, shall be made publicly available.
- Prior to Phase 1, the Developer and the City shall agree upon a process for monitoring and evaluating TDM goals on an annual basis, modeled on the process detailed in the Nishi Gateway Project Sustainability Implementation Plan (2015). This monitoring and evaluation process will include an Annual Report, to be transmitted to the City, which details progress towards the actions outlined in the TDM plan and specification of actions required when TDM goals are not met. *(It should be noted that vehicle trip monitoring in the Nishi SIP is a surrogate for transportation GHG emissions, while modeling to estimate actual GHG emissions is preferred for DISC.)*

The Project shall include the following features, in addition to features identified by the TDM Plan, to encourage a shift to alternative transportation modes, such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling:

- The Project shall be designed to accommodate and incentivize private transit, local transit (Unitrans), and regional transit (Yolobus) through the following measures:
  - The Project shall include a central transit plaza to serve as the hub for a variety of mode shares.
  - The Project shall include transit stops located throughout site to ease pedestrian access such that no transit stop is further than 400 meters from any occupied building.
  - The Developer shall petition Yolobus and Unitrans to increase the frequency and capacity of bus service to the central transit plaza as the Project develops. The Developer shall provide funding, if necessary, to the transit services to implement the change.

- Phase 2 cannot commence until after the implementation of an on-demand electric transit to and from UCD and scheduled electric transit to and from the Amtrak/Capital Corridor station running weekdays including the AM to PM peak commute periods.
  - To promote transit use, the MOA shall provide upon request free passes for local and regional transit service (e.g., a unlimited access pass similar to Yobobus and Unitrans' pass for UC Davis undergraduates) to the Project's residents and employees.
- The Project shall include parking to accommodate single-occupancy vehicles (SOVs) and carpool vehicles while also incentivizing other modes of transportation:
  - As part of the TDM plan, the Developer will determine the appropriate number of parking stalls, which may be fewer than City parking minimums. Commercial parking requirements shall be determined by the TDM plan. For residential development no more than one stall per residential unit shall be provided onsite.
  - All employers shall create through the MOA or participate in a regional carpool program that is modeled after and functionally equivalent to the UC Davis goClub carpool program. The program shall be open to all Project residents and employees.
  - Carshare and preferential carpool spaces shall be provided, with the number of appropriate stalls to be specified in the TDM plan.
  - Parking costs shall be unbundled from the cost of other goods and services. A separate fee shall be charged for all parking spaces (commercial and residential).
  - Parking cash-out programs shall be offered by any employer who provides a parking subsidy to employees, to give employees who do not drive a cash benefit equivalent to the value of the offered parking subsidy. The MOA shall be in charge of ensuring that employers comply with this program and shall record participation in the Annual Report.
- The Developer shall provide bicycle facilities and infrastructure comparable to the City's Platinum-level Bicycle Friendly Community Certification to support bicycling within and to the site, including the following features:
  - Provide short term bicycle parking, as required by Davis Municipal Code.
  - Provide end-of-commute facilities (showers, lockers, changing rooms) and support electric bicycle charging in all commercial buildings.
  - Provide covered and secured long-term bicycle parking at central locations within the site and at the central transit hub.
  - Provide community bicycle repair facilities.
  - The MOA shall implement a bicycle share program including electric-assist bicycles for employees and residents to use on and off the Project site.
  - A bicycle network of Class IV protected cycle tracks shall connect bicyclists to all areas of the site and all key connecting streets/facilities.
- The Developer shall provide accessible sidewalks that facilitate pedestrian access within and to the site, including the following features:
  - All pedestrian access routes shall be readily accessible by all users, particularly individuals with disabilities. Street design should emphasize universal design through use of appropriate width, grade, surface material, tactile cues, audible cues, and push buttons. The Developer shall reference the United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), or other appropriate reference.

#### Site Access and Traffic Mitigation Features

The follow measures are recommended to improve site access and mitigate traffic impacts of the Project. The Developer shall fund infrastructure to mitigate traffic problems attributable to the project either wholly, where the problem is mainly caused by the Project, or proportionately, for traffic improvement measures where the Project is a partial contributor to the problem. The intent is to avoid subsidization of the Project by the City providing funding for traffic mitigation measures.

As described below, City approvals will not be granted for different phases of the Project until public and private funding are budgeted and available, and regulatory approvals have been granted. In other words, all obstacles to the start of construction have been removed.

In general, the base conditions will include at a minimum the construction or implementation of all the mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis, including the “Potential Operational Enhancements” identified in the Traffic Study. Specific projects are highlighted below, but this should not be taken as a comprehensive list. The Developer may propose alternative projects to the City, but these will not be approved unless the Developer can demonstrate that the alternative achieves equal or better site access and/or traffic mitigation without causing other problems.

The desired outcomes of site-access measures are reduction of the Project’s vehicle miles traveled (VMT) through improvements for bicycle, pedestrian, and transit access to the Project site.

- Phase 1 Site Access
  - The Developer shall provide sites for bus stop relocation for Yolobus and Unitrans along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are allowed by the transit agencies.
  - The Developer shall fully fund construction of a new grade-separated bicycle and pedestrian crossing of Mace Boulevard, located near Alhambra Drive.
  - The Developer shall contribute funding to construction of a new Class IV bicycle path and separated pedestrian path on the inside of the Mace Curve between the new grade-separated bicycle and pedestrian crossing (see previous bullet) and Harper Junior High School. Such funding shall be proportional to the use of this facility by Project residents and employees.
  - The Developer shall contribute funding to construction of improved pedestrian and bicycle connections for both north-bound and south-bound pedestrian and bicycle traffic on the Mace Blvd/I-80 overpass and continuing to the Project site. Such funding shall be proportional to the use of this facility by Project residents and employees.
- Phase 2 Site Access
  - The Developer shall petition to reroute Unitrans and Yolobus service off Mace Blvd. and to the central transit plaza and through the Project site. If necessary, the Developer will provide funding to the transit services to implement this change.

The desired outcomes of traffic-mitigation measures are to reduce the transportation total carbon footprint and adverse level of service (LOS) traffic impacts on roads in the Project vicinity, including Mace Boulevard, Covell Boulevard, and I-80.

- Phase 1 Traffic Mitigation
  - Phase 1 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for construction or implementation of all other mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis.
  - The Developer shall contribute funding to the City to study and implement bus rapid (BRT) transit strategies, including a bus signal preemption system on Mace Boulevard and Covell Boulevard for freeway access or local traffic bypass.
- Phase 2 Traffic Mitigation
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for a rush-hour bus and 3+ high occupancy vehicle (HOV) lane and class IV bicycle path on the frontage road north of I-80 (county road 32) to allow traffic to bypass the Mace Blvd east bound on-ramps and west bound off-ramps to I-80.
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for the construction of bus/3+ HOV lanes on I-80 west of causeway between Richards Blvd and the Yolo Causeway.
- Phase 3 Traffic Mitigation
  - Phase 3 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for adding bus/3+ HOV lanes eastbound and westbound on the Yolo Causeway (I-80).

## Mitigation Measures

The project shall comply with and ensure public or private funding and completion within a two-year period for all Mitigation Measures identified in the Approved Mitigation, Monitoring, and Reporting Plan.

Implementation

Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at the DISC, a Sustainability Implementation Plan shall be developed and implemented to ensure compliance with the Environmental Sustainability Baseline Features to the satisfaction of the City.

## **DISC/ARC Business Park SEIR Comments**

**June 10, 2020 (revision of comments submitted to the NRC April 29, 2020)**

**Nancy Price, 1223 Sequoia Place, Davis, CA 530-758-0726**

### **Summary:**

**It is likely that a dispersed reduced size project is the environmentally superior option and that this alternative should have been analyzed in the EIR. Without this, I recommend rejecting the EIR.**

### **Comments:**

The DISC/ARC EIR never properly considers dispersing the businesses that might be attracted to /DISC/ARC in available space throughout the City, yet a dispersed alternative had been the preference of the City's earlier studies.

The DSEIR stated, "substantial changes in circumstances have not occurred since the 2015 alternatives analysis that would require major revisions to the previous EIR." But this ignores the opportunity to redevelop significantly more retail, commercial, manufacturing, and housing space in Davis that has become available since 2015.

For Example, the old ACE building, the Old Whole Foods/Borders with adjacent spaces and the Watermelon Music/Cinema II theater alone is over 60,000 square feet in Downtown Davis that has become vacant since 2015.

There are also many other empty store fronts in Downtown Davis that have recently become available. G street has been particularly hard hit. That is a substantial change of circumstances and must be considered.

In 2019 Hibert Lumber went out of business; Hibert's Yard between 4<sup>th</sup> and 5<sup>th</sup> right in the downtown is about 1.25 acres and has become available. If the Hibert site is redeveloped under the new proposed Downtown plan, depending on how parking is dealt with, the site could yield 200,000-300,000 square feet of office or research space. This is a very significant new development and must be considered. These available spaces favor a dispersed infill alternative.

Additionally, in 2020, Schilling Robotics announced they are moving out of their 100,000 plus Square Feet space on Cousteau and out of Davis. This massive space becoming available is a significant development since 2015 and must be considered in the analysis.

The relocation of Schilling Robotics is an important point that was brought up by Commissioner Richard McCann during the 4/27 NRC meeting, and needs to be considered in the ARC SEIR.

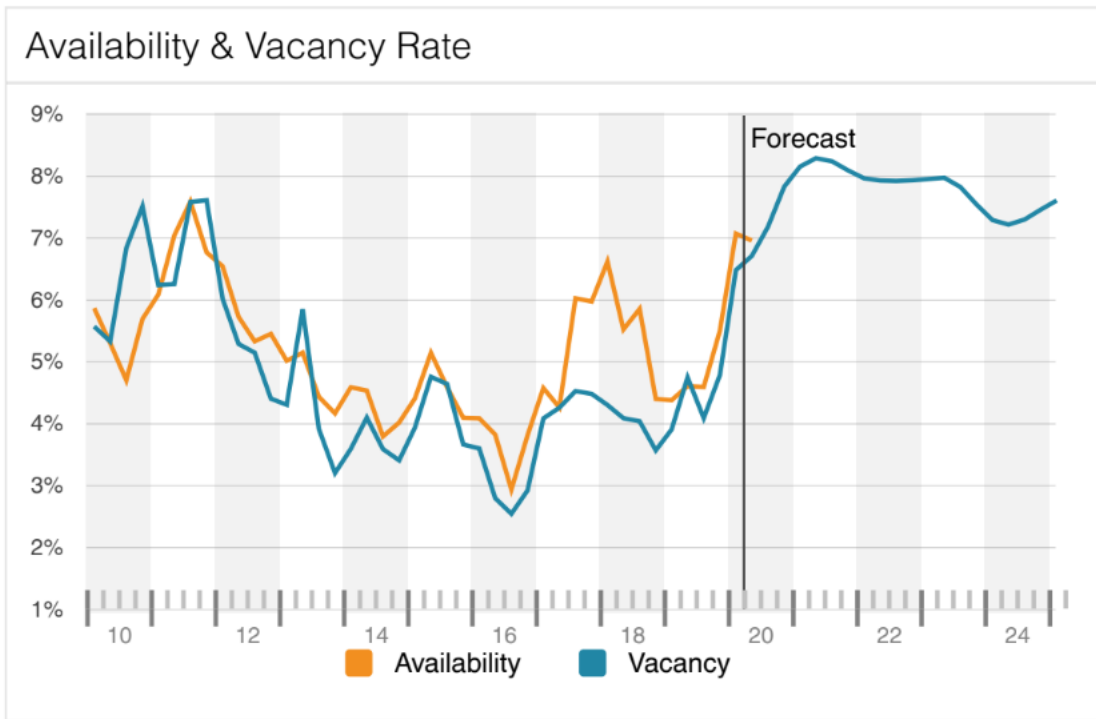
Additionally, PG&E entered bankruptcy in 2019, possibly making the PG&E yard available. The PG&E property is about 20 acres and represents a very significant infill opportunity. The

availability of this large infill lot so close to downtown needs to be considered in the analysis. This is a significant change since 2015 and needs to be analyzed. This favors a dispersed infill alternative.

Furthermore, the Downtown Davis Plan is being reworked and is on track for zoning that will allow for considerably more business, commercial and housing redevelopment in the downtown. This favors a dispersed infill alternative and is a new development since 2015.

All of these newly available spaces throughout Davis favors a dispersed infill alternative to the current proposal. A dispersed infill alternative should have been analyzed in the EIR as an equal weight alternative.

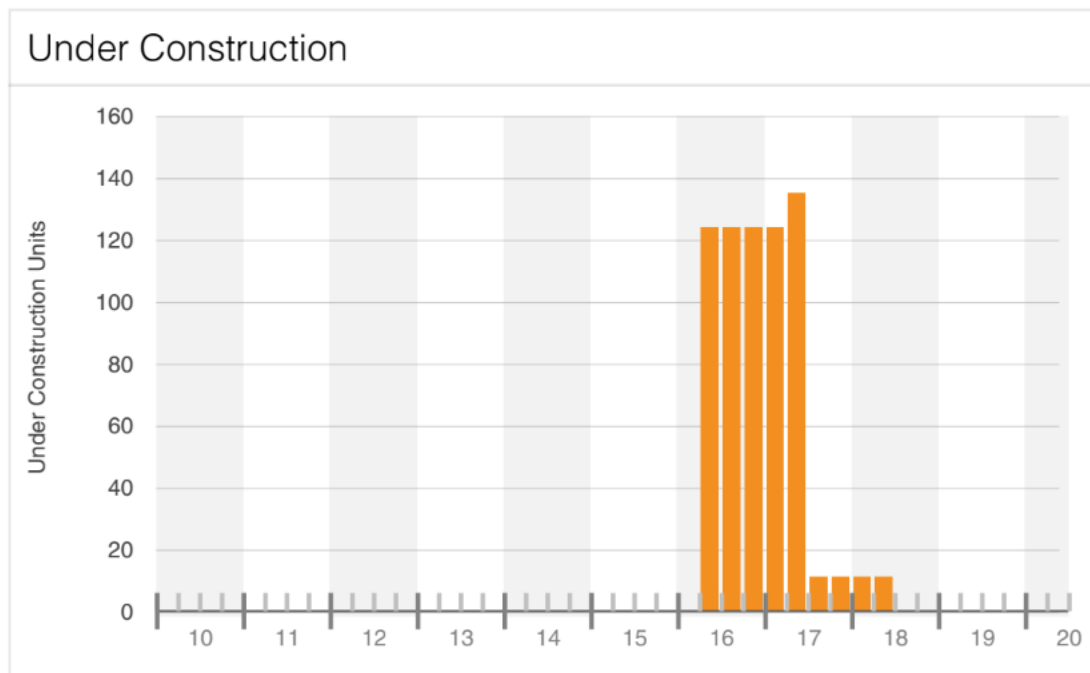
Vacancy rates for retail are trending up in Davis. This chart from CoStar depicting “Vacancy and Market Rent Per SF” for Davis retail demonstrates that there has been a reversal of the vacancy trend since 2016 with increasing vacancies projected into the future. The current retail vacancy rate is 6.5%. The retail vacancy rate at the end of 2015 was about 3.5%. This is another significant change since 2015 and needs to be analyzed.



The vacancy rate is likely to accelerate further as a result of COVID-19’s impacts on businesses. This, too, is a change since 2015 and must be analyzed.

Further, there is a national trend away from brick and mortar retail space. The retail space in Davis can be converted for commercial, retail and manufacturing. This significant trend has accelerated and needs to be analyzed in the EIR.

Additionally, there has been considerably more multifamily residential housing approved in Davis and construction has begun since 2015.



The chart above, from CoStar, demonstrates the 10-year construction trend for multi-family in Davis. This shows a clear spike in multi-family housing construction since 2015 and is a significant change that needs to be analyzed.

In conclusion, I emphasize here that the DSEIR states on 2-11 that, “The most environmentally superior alternative is the Reduced Project Alternative.” But no dispersed reduced project alternative was considered. A dispersed reduced project size alternative is a viable option since there are properties that meet the needs for the reduced size. The EIR states that a full-sized dispersed model is impractical because there is not enough space in Davis, but it never mentions that there is enough space to allow for a reduced size dispersed alternative. **Analysis of a dispersed reduced size project should have been performed as an equal weight alternative.**

A dispersed alternative could create a much better opportunity for live-work environments putting people closer to their homes and other business rather than on the edge of town. It could lead to significant reductions in Vehicle Miles Travelled (VMT) and Green House Gasses (GHG). **A reduced size dispersed alternative should have been analyzed as an alternative.**

Additionally, reusing existing buildings rather than constructing new buildings is likely the environmentally superior option. Not to mention, using existing infrastructure (Roads etc.) vs. building new is ALWAYS the environmentally superior option.

**It is likely that a dispersed reduced size project is the environmentally superior option and that this alternative should have been analyzed in the EIR. Without this, I recommend rejecting the EIR.**





Ad Hoc Subcommittee of Finance and Budget Commission  
Submittal on Aggie Research Campus (ARC)

To: City Planning Staff, City Finance Staff, and Council Liaisons Carson and Partida  
From: Douglas Buzbee, Raymond Salomon, and Michelle Weiss  
Date: May 17, 2020

We appreciate the opportunity to spend more time synthesizing the inputs we received on the EPS Fiscal Impact report and are providing in this memo three parts:

- **Part One** consists of a set of essential questions that may require some work on the part of EPS or City Staff. We are asking for the information we believe is essential to provide a comprehensive picture of the fiscal impact of this development proposal. We would appreciate responses to these questions in time to be included in the FBC packet for our May 27<sup>th</sup> meeting.
- **Part Two** consists of comments for the City Council and Planning staff that relate to financial matters that are relevant to negotiating the Development Agreement.
- **Part Three** consists of additional comments relative to economic or fiscal matters.

**Part One - Questions:**

- **Number of Employees:** We would like to ask EPS to review the data around number of City of Davis employees as it appears that the number is inflated by UC Davis employees working on campus which is outside the city limits. If this number is inflated then we would ask for the model to be re-run with a more accurate persons served calculation, See Table B-2.
- **Reconciliation:** The 2015 fiscal Impact analysis by EPS of the then “MRIC” revealed a less favorable fiscal picture than the ARC 2020 analysis. We recognize that there are some differences in the projects, but could EPS provide a financial reconciliation of the difference between the two? We stress the term high-level as we are focused more on differences in assumptions and methodology rather than exact numbers. We seek an explanation that conveys the essence of the difference between the two projects fiscally.
- **Non-Profit:** While there is no explicit mention of either UCD or another non-profit, and therefore tax exempt organization, as a key tenant for the ARC, there appears to be a strong desire as witnessed by the naming of the development as “Aggie” to show an

affiliation in some way with UCD. When questioned the EPS team believed that the marketing pull of a UC as a tenant would more than offset any revenue loss, but they did not model UCD or any non-profit in the mix. In addition, major commercial and industrial firms often seek substantial property tax abatements and other incentives in exchange for bringing jobs to an area. Therefore, we suggest that EPS model a 5%, as they did with the MRIC analysis, and a 10% mix of non-profit or tax-exempt entities.

- **Property Valuation:** We would like to see a more conservative assumption for property valuation given both the substantial increase from the MRIC property value per square foot modeling and present economic realities. We would also like to see support for the valuations (e.g., anything that may have been gathered for the property valuations in the model that may have been obtained as part of model development).
- **Affordable Housing:** The analysis assumes the payment of fees in lieu of including affordable housing. We would like to see a scenario in which rather than paying the fee, affordable housing in line with city guidance/requirements is included in the analysis.
- **Capital Replacement Costs:** During the presentation, EPS discussed with the FBC the possibilities to account for, and ultimately reserve funds for, the future costs of repair and replacement of project infrastructure such as roads, sewer and drainage infrastructure (e.g. lift stations), park and street lighting, and landscaping. Possibilities discussed included a maintenance/repair/replacement CFD, a landscape and lighting district, and an owners' association that would reserve funds for infrastructure replacement. What is EPS's recommendation on how the City should account and reserve funds for long-term capital repair and replacement of project infrastructure?
- **Property Tax:** Property tax is an important component of the analysis as it represents 45% of project revenue at build-out. We would like to see a more conservative split of allocated property tax for all elements of property tax (i.e., including the East Davis Fire District and the County Road District #2) done with a 50/50 city county split.
- **Capital Improvement Costs:** We would like to see the effect of adding Capital Improvement Costs to the model as the ARC project would result in more people being served by the infrastructure and amenities of the city. Further the addition of these people would result in additional wear and tear. Our suggestion for modeling this would be to take 5.4% (4,523 additional people divided by 83,710 people served = 5.4%) of the Capital Improvement budget as an expenditure. We are certainly open to other ways to model this.
- **Variable Costs:** We would like to see the effect of modeling city department costs at 100% (vs. 75%) of the average per person costs given:

- Overhead costs and other fixed costs would likely increase due to the effect of increased volume (e.g., more wear and tear on facilities, more equipment required due to the number of employees).
  - While it is true, for example, that there would still be a single police chief, it's also likely that s/he (and his/her managers and support staff) would reasonably seek a salary increase reflecting a larger department with more employees, more responsibility, and peer comparators from cities of greater size.
- **Substitution:** We would like to see the potential substitution modeled as the SEIR indicated that more than 313,000 sq. ft. of existing space would potentially become vacant as a result of competition from the ARC (page 3-181). The SEIR further noted *“ALH Economics concluded that the illustrative analysis suggests that regardless of the amount of space, some increment of existing office and industrial space is at risk of sustained vacancy following development of the ARC Project.”* (page 3-182).
  - **Developer Financial Sensitivity:** We believe that it would help the city in negotiating to understand the sensitivity of the analysis to additional capital investment at each stage of the project. For example, what is the effect of \$5M of additional investment at the beginning phase. Understanding the effect of changes to the project on the developer's return could prove very useful.

### **Part Two – Development Agreement (DA):**

- **Compensation:** There are a number of city assets, including 6.8 acres of City open space, being utilized by the applicant. We would expect to see in the DA an external appraisal of any assets and fair market compensation for them.
- **Tax Exempt Organizations:** We suggest that the City protect itself from any property tax reduction by writing in language to the development agreement to shield the city from lease or acquisition by entities exempt from paying property taxes.
- **Uncertainty:** While the overall project on both a leveraged and an unleveraged basis look to have a healthy return for the developers, in the EPS report they state that *“Phases 1 and 2 rates of return are significantly stronger than for those of Phases 3 and 4.”* We suggest that the City assess any risk here to best ensure that the project gets built out over the >20 year time horizon so that Davis gets the full fiscal benefits. One way to do that would be to consider a different phasing of the housing perhaps moving more into the latter phases to provide the target return in all phases.

### Part Three – Other:

- **COVID-19:** We recognize that the EPS analysis was done prior to the global pandemic and that it would be very difficult to forecast the effects of COVID-19 on the model. However, it is our new reality and tough to ignore. Unless it is believed that a full economic recovery will take place prior to completion (and thus property tax valuation of the initial construction) it's reasonable to assume follow-on effects in the overall economy will affect at least initial demand for ARC property, and thus the underlying valuation. As property tax increases are capped at 2% regardless of any increase in the value of the underlying property (i.e., as a result of economic recovery), any shortfalls in initial valuation would roll through the financial model.
- **Semiconductor Manufacturing:** Calling out semiconductor manufacturing as a potential onsite user of the advanced manufacturing site did raise concerns from citizens as it does involve potentially toxic and carcinogenic chemicals albeit it can be “clean” manufacturing if removal of potential hazards is done correctly. While not specifically part of a DA, the city may want to be sure that any additional costs for safety and inspection and training of fire personnel if such an entity were to be part of ARC, were borne by others and not passed on to the city.
- **Impact Fees:** FBC has no way to assess that the impact fees and construction taxes outlined in Table 4 of the EPS report are sufficient to cover future costs such as the roadway improvements. We assume that the city will do appropriate analysis on these to ensure that is a “good deal” for the city.
- **Innovation:** Members of the FBC who are actively engaged with innovation specifically around technology believe there is not much in the proposal to encourage innovation. Specifically, how it helps small business (1-50 employees) especially those working on technology transfer. It would be good to tie this to other initiatives in the city for innovation/entrepreneurship perhaps by negotiating a portion of the build out to be designated to incubate new entrepreneurs and start-ups based in Davis.

## **DRAFT RESPONSE MEMORANDUM**

To: Ash Feeney, Sherri Metzker, and Kellie Bruton  
From: David Zehnder and Tom Martens  
Subject: Response to FBC ARC Ad Hoc Subcommittee Questions  
(with revised Base Case)  
Date: May 27, 2020

*The Economics of Land Use*



EPS has reviewed the questions provided by the ARC Ad Hoc Subcommittee regarding the ARC Fiscal Impact Analysis that was presented on May 11, 2020. Your comments and our discussion on these matters is reflected in some of the answers as noted in the memorandum. EPS's answers to each of the questions included in Part 1 of the document are provided below.

- 1. Number of Employees:** We would like to ask EPS to review the data around number of City of Davis employees as it appears that the number is inflated by UC Davis employees working on campus which is outside the city limits. If this number is inflated then we would ask for the model to be re-run with a more accurate persons served calculation, See Table B-2.

### **EPS Response**

Employment measurements can either track employed residents, also referred to as employed labor force, or they can track what is known as "at-place" employment. Employed resident/labor force figures are based on where job holders or potential job holders live, regardless of where they work, while at-place employment figures are based on where job-holders work, regardless of where they live. The Persons-Served calculation uses an at-place employment estimate to account for the working population within the city, sometimes referred to as daytime population.

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At-place employment data for sub-county geographies is neither as readily available nor as frequently updated by collecting agencies as employed resident data; therefore, private data subscription services, such as ESRI/BAO, are frequently relied upon for updated estimates, particularly at the sub-county level. As one of the best regarded such data subscription services, ESRI/BAO was utilized by EPS for both the 2015 MRIC analysis and the current ARC analysis.

However, EPS has followed up with ESRI and its subsequent internal review identified an anomaly in the data it relied upon; specifically, what appears to be a “shell” company with a Davis address. The ESRI employment estimate has not been updated since this issue was identified, so a decision was made to use the same employment number that was used in the 2015 MRIC analysis. All fiscal impact analysis has subsequently been re-run using the 2015 employment number in the determination of Persons Served.

Using the 2015 City of Davis employment number to calculate the citywide Persons Served results in an increase of City expenditures of \$37,000 at the end of Phase 1, increasing to \$148,000 at Project buildout. Revenues increased slightly as well due to the change (\$28,000 at buildout). The net fiscal impact at buildout is reduced from a surplus of \$5.44 million annually to \$5.32 million annually. The revised net fiscal impact summary table is shown in **Table 1** below.

**Table 1. Revised Net Fiscal Impact**

Impact Category	Annual Project Fiscal Impact at Phase Completion (\$M)			
	Phase 1	Phase 2	Phase 3	Phase 4 / Buildout
Revenues [1]	\$1.65	\$3.82	\$6.53	\$8.07
Expenditures	\$0.69	\$1.63	\$2.29	\$2.75
Net Fiscal Impact	<b>\$0.96</b>	<b>\$2.20</b>	<b>\$4.25</b>	<b>\$5.32</b>

Source: City of Davis; EPS.

- 2. Reconciliation:** The 2015 Fiscal Impact Analysis by EPS of the then “MRIC” revealed a less favorable fiscal picture than the ARC 2020 analysis. We recognize that there are some differences in the projects, but could EPS provide a financial reconciliation of the difference between the two? We stress the term high-level as we are focused more on differences in assumptions and methodology rather than exact numbers. We seek an explanation that conveys the essence of the difference between the two projects fiscally.

**EPS Response**

Two of the largest components of the increased revenue from the Project over MRIC are Property Taxes and Sales and Use Taxes, as described below.

### ***Property Tax***

The residential component of the current Project contributes an additional \$400 million in assessed value that was not part of MRIC. Office and R&D valuation is about \$177 million more than MRIC due to a combination of higher rents found in the market and an additional 150,000 square feet.

In addition to the increased valuation estimate, the City's assumed allocation of the ad valorem tax revenue is significantly higher, based on the experience gained in the recent West Davis Active Adult Retirement Community (WDAARC) annexation. The previous MRIC analysis did not include the County Road District #2 allocation or the East Davis Fire District allocation. In the WDAARC annexation both of these funds, comprising over 12 percent of the ad valorem tax levy, were transferred to the City General Fund. The same conditions would apply to the ARC annexation, so these funds have been assumed transferred to the City.

Additionally, the MRIC analysis split the County General Fund and ACO Fund between the City and County after removing the County's ERAF share, which is significant. The City and County have considerably different ERAF shifts and the City portion of the divided funds would be subject to the City's ERAF shift rate, not the County's.

The total property tax revenue to the City increased from \$381,000 in the 2015 MRIC analysis to \$2.7 million in the current ARC analysis, a total increase of \$2.3 million in gross revenue to the City. The increase in assessed valuation accounts for 15 percent of the increase in property tax revenue to the City, with the bulk due to the City's increased share of the ad valorem tax.

### ***Sales and Use Tax***

Sales and Use Tax revenues have increased from \$993,000 (\$744,000 plus \$248,000 in property tax in-lieu of sales tax "Triple Flip" reimbursement) in the MRIC analysis to about \$2.2 million in the current ARC analysis. Retail sales within the Project are roughly the same as the MRIC analysis, with a somewhat higher assumed sales volume per square foot offsetting a reduction in retail square footage. The addition of new household spending citywide from the Project's residential units provides an additional \$17 million in taxable sales off-site. However, the overall amount subject to Sales and Use Tax has only increased from \$99 million to \$111 million between 2015 and 2020. The primary driver for the increase in Sales and Use Tax is the addition of Measure Q, which essentially doubled the City's sales tax rate. When the MRIC analysis was completed, Measure Q's predecessor, Measure O, was omitted due to its approaching sunset date. Measure Q will run throughout the Project timeline.

These changes in total result in an increase of gross revenues to the City of \$1.2 million above what had been forecasted in the MRIC 2015 analysis.

- 3. Non-Profit:** While there is no explicit mention of either UCD or another non-profit — and therefore tax exempt organization — as a key tenant for the ARC, there appears to be a strong desire as witnessed by the naming of the development as "Aggie" to



show an affiliation in some way with UCD. When questioned, the EPS team believed that the marketing pull of UC as a tenant would more than offset any revenue loss, but EPS did not model UCD or any non-profit in the mix. In addition, major commercial and industrial firms often seek substantial property tax abatements and other incentives in exchange for bringing jobs to an area. Therefore, we suggest that EPS model a 5 percent, as was done with the MRIC analysis, and a 10 percent mix of non-profit or tax-exempt entities.

### **EPS Response**

EPS tested the 10 percent non-profit or tax-exempt scenario by reducing 10 percent of the square footage of office and R&D space that generates property tax as well as business-to-business sales and use tax revenues. Revenues generated by the residential units, the retail space, and the advanced manufacturing were assumed unaffected. Additionally, municipal expenditures were not adjusted; however, it is possible some of these could shift to other entities depending on the tax-exempt occupant. By the end of Phase 4 (buildout), the 10 percent tax-exempt scenario results in a reduction of property tax revenue from \$2.723 million to \$2.611 million, and a reduction of sales and use tax revenue from \$2.229 million to \$2.173 million. The net fiscal surplus declines from \$0.96 million to \$0.91 million at the end of Phase 1, and from \$5.32 million to \$5.12 million at buildout. The 5 percent scenario would halve those reductions.

In discussions with City staff, they noted that the city-county-campus MOU signed in 2018 contains provisions ending master leases of residential property and halting any further loss of property taxes from the ones that exist. Staff further noted to hedge against this for new projects where a Development Agreement is requested, several recently negotiated Development Agreements contain a provision requiring the developer/property owner to record a covenant on title stipulating a permanent obligation for the property owner to make payments to the City in lieu of the City's share of otherwise-required property taxes in the event that the Property is acquired or master leased by an entity exempt from payment of property taxes. The developer has publicly acknowledged this and committed to such a provision being part of the Development Agreement. This is consistent with the Ad Hoc Subcommittee suggestion that such provisions be included in a DA for ARC.

- 4. Property Valuation:** We would like to see a more conservative assumption for property valuation given both the substantial increase from the MRIC property value per square foot modeling and present economic realities. We would also like to see support for the valuations (e.g., anything that may have been gathered for the property valuations in the model that may have been obtained as part of model development).

## **EPS Response**

Reducing the overall property valuation by 10 percent across uses reduces the property tax by \$65,000 at the end of Phase 1 and by \$272,000 at Project buildout, reducing the net fiscal surplus from \$5.32 million at buildout to \$4.95 million. Further sensitivity testing with residential valuation remaining the same and non-residential valuation reduced by 20 percent reduces the property tax by \$71,000 at the end of Phase 1 and by \$348,000 at Project buildout, reducing the net fiscal surplus from \$5.32 million at buildout to \$4.86 million.

The inputs into the calculation of value are in Table A-6, the Residual Land Value Calculation that was used in the Pro Forma Analysis. For most of the commercial uses in the analysis, the property valuation is determined using a capitalized income approach. Rent is a key driver of value for this. The rents assumed in the analysis are \$2.92 per square foot per month (\$35 annually) for office space and \$2.33 per square foot per month (\$28 annually) for flex/R&D and retail space. The office uses are modeled assuming full-service rents, with a corresponding deduction of operating expenses equal to 30 percent of rent from the net operating income.

The Technical Memorandum that accompanied the analysis includes key recent comparables. Supplemental information for the office and flex/R&D space includes the following: Rents for space comparable to the proposed flex/R&D use at ARC can be found in a few properties on Drew Avenue in Davis, with asking rates of \$30 per square foot annually for buildings ranging from 14 to 30 years old. Other comparable locations include a newer office building on 2<sup>nd</sup> Street at G Street in Davis with recent lease rates ranging from \$30 to \$44 per square foot, and current asking rent of \$34 per square foot. Elsewhere in the market, office space that is currently being marketed to similar types of tenants anticipated for ARC can be found in the Ice Blocks project on R Street in Midtown, Sacramento. Spaces there are asking \$36 to \$44 annually per square foot.

The advanced manufacturing uses are valued using the same per square foot value used in the 2015 MRIC analysis. These uses can vary significantly in value depending on the user, so the conservative assumption was used.

The residential sales prices and rents are based on the sales and rental comparables listed in the Technical Memorandum that accompanied the analysis.

Development costs and land prices in Davis are not conducive to attracting businesses seeking the lowest operating costs. Rather, businesses that seek to be in Davis do so for specific reasons, such as proximity to educated workers and related businesses. The Project is intended to build on these attributes and attract tenants that value being near UC Davis and being part of a R&D focused campus environment.

- 5. Affordable Housing:** The analysis assumes the payment of fees in lieu of including affordable housing. We would like to see a scenario in which rather than paying the fee, affordable housing in line with city guidance/requirements is included in the analysis.

#### **EPS Response**

The decision to use the in-lieu fee for purposes of financial feasibility was made in conjunction with City staff, since it represents the level of financial commitment required of a developer to meet the City's affordable housing requirements. The purpose behind using a fee number was to apply an affordable housing cost to the project. The actual method for meeting the affordable housing requirement can have many variations but will be determined during the planning/approvals process. According to our discussions with the City, this is a policy matter that relates to land-use and housing policy, which are the purview of other advisory commissions. The Baseline Project Features and the Development Agreement will resolve how the project complies with this requirement.

- 6. Capital Replacement Costs:** During the presentation, EPS discussed with the FBC the possibilities to account for, and ultimately reserve funds for, the future costs of repair and replacement of project infrastructure such as roads, sewer and drainage infrastructure (e.g. lift stations), park and street lighting, and landscaping. Possibilities discussed included a maintenance/repair/replacement CFD, a landscape and lighting district, and an owners' association that would reserve funds for infrastructure replacement. What is EPS's recommendation on how the City should account and reserve funds for long-term capital repair and replacement of project infrastructure?

#### **EPS Response**

Most capital replacement costs in the City are covered on a pay-as-you-go basis and it is assumed that any extra repair and replacement burden ARC residents and workers place on infrastructure throughout the city would be funded similarly. Establishing a requirement for a separate reserve fund for infrastructure for each development project would tie up funds that could be used to meet a higher priority for city needs. The sizeable fiscal surplus could be used to support these costs, as well as help the City to address its current shortfall. EPS recommends using the pay-as-you-go basis considering the sizable fiscal surplus the Project is expected to produce.

- 7. Property Tax:** Property tax is an important component of the analysis as it represents 45% of project revenue at build-out. We would like to see a more conservative split of allocated property tax for all elements of property tax (i.e., including the East Davis Fire District and the County Road District #2) done with a 50/50 city county split.

**EPS Response**

There has been a Davis annexation example since the MRIC analysis was completed, the West Davis Active Adult Community (WDAAC). In that annexation, East Davis Fire District and County Road District #2 Funds were allocated to the City and the same outcome is anticipated with the ARC annexation, since the annexation would remove the property from these two districts. State annexation policy links the allocation of tax revenues with the provision of public services that would be supported by those revenues. By way of example, since the City of Davis would bear the responsibility for providing fire services for ARC after annexation, it is a reasonable assumption for it to be allocated the property tax revenues to support this obligation. The county, in contrast, would not bear any responsibility for fire protection if annexation occurs. It would be illogical and problematic for it to receive fire district revenues once the land was annexed to the City of Davis.

EPS does recognize that the outcomes for a tax-sharing agreement has the possibility to differ from the 50/50 split included in the analysis. In conversations with staff, given past negotiations that resulted in a 50/50 split, this is the assumption that is recommended for the analysis. For the current County General Fund and ACO Fund, three scenarios for the split between City and County were tested: 40 percent City / 60 percent County; 50 percent City / 50 percent County (base case); and 60 percent City / 40 percent County. Property tax scenario impacts to final net fiscal impacts are presented in **Table 2** below.

**Table 2. Property Tax Split Comparison**

Impact Category	Annual Project Fiscal Impact at Phase Completion (\$M)			
	Phase 1	Phase 2	Phase 3	Phase 4 / Buildout
Expenditures	\$0.69	\$1.63	\$2.29	\$2.75
<b>40 City / 60 County Split</b>				
Revenues	\$1.57	\$3.65	\$6.28	\$7.76
Net Fiscal Impact	<b>\$0.88</b>	<b>\$2.03</b>	<b>\$3.99</b>	<b>\$5.01</b>
<b>50 City / 50 County Split - Base Case</b>				
Revenues	\$1.65	\$3.82	\$6.53	\$8.07
Net Fiscal Impact	<b>\$0.96</b>	<b>\$2.20</b>	<b>\$4.25</b>	<b>\$5.32</b>
<b>60 City / 40 County Split</b>				
Revenues	\$1.72	\$4.00	\$6.79	\$8.39
Net Fiscal Impact	<b>\$1.03</b>	<b>\$2.37</b>	<b>\$4.50</b>	<b>\$5.64</b>

Source: City of Davis; EPS.

- 8. Capital Improvement Costs:** We would like to see the effect of adding Capital Improvement Costs to the model as the ARC project would result in more people being served by the infrastructure and amenities of the city. Further the addition of

these people would result in additional wear and tear. Our suggestion for modeling this would be to take 5.4% (4,523 additional people divided by 83,710 people served = 5.4%) of the Capital Improvement budget as an expenditure. We are certainly open to other ways to model this.

### **EPS Response**

Allocating the cost of capital expenditures to the Project on a Persons Served basis, in the same manner as they are for various operating expenditures would reduce the net fiscal surplus at buildout by \$386,000; with a resulting fiscal surplus of \$4.94 million. The Project also pays development impact fees to offset impact of new development on existing infrastructure and facilities. As discussed at the May 11 FBC hearing, the assumptions for the Project modeling not only cover future maintenance of internal infrastructure but also is forecasted to contribute revenues that could be used to address infrastructure deficiencies elsewhere in the City. Additionally, roadway maintenance would be required in the rest of the city regardless of the new persons at ARC. A fair portion of that is likely due to students, faculty and staff that do not reside or work within the City of Davis. The Project's fiscal surplus can help fund some of that expense.

- 9. Variable Costs:** We would like to see the effect of modeling city department costs at 100% (vs. 75%) of the average per person costs given:
- Overhead costs and other fixed costs would likely increase due to the effect of increased volume (e.g., more wear and tear on facilities, more equipment required due to the number of employees).
  - While it is true, for example, that there would still be a single police chief, it's also likely that s/he (and his/her managers and support staff) would reasonably seek a salary increase reflecting a larger department with more employees, more responsibility, and peer comparators from cities of greater size.

### **EPS Response**

The decision was made in consultation with City staff to use a standard assumption of 75 percent variability in municipal expenditures, to reflect the fact that not all departmental cost items would be impacted by the Project. The analysis assumes that city services would be provided efficiently and effectively to ARC residents and workers. The proposal to model all costs at 100%, is to assume much higher costs to provide City services, is not justified. Most city departments have fixed costs that do not change as the city grows and variable costs that do change along with its population. The question proposes that the City assume that no departmental costs are fixed and thus that 100% of the average cost of providing services to each person served be allocated to the ARC project. The model assumes that about 25% of departmental costs are fixed and 75% are variable, which EPS believes to be the reasonable and appropriate way to model this.

However, to test the impact of different levels of variability, some alternative assumptions were used in the fiscal impact model. These included a scenario with Police and Fire at 100 percent variability, with the other departments remaining at 75 percent, and a more extreme scenario with all departments modeled at 100 percent variability. The results of the sensitivity analysis are shown in **Table 3** below.

**Table 3. Expenditure Variability Comparison**

Impact Category	Annual Project Fiscal Impact at Phase Completion (\$M)			
	Phase 1	Phase 2	Phase 3	Phase 4 / Buildout
Revenues	\$1.65	\$3.82	\$6.53	\$8.07
<b>Base Case - 75% Variable Costs</b>				
Expenditures	\$0.69	\$1.63	\$2.29	\$2.75
Net Fiscal Impact	<b>\$0.96</b>	<b>\$2.20</b>	<b>\$4.25</b>	<b>\$5.32</b>
<b>Police and Fire at 100% Variable</b>				
Expenditures	\$0.82	\$1.92	\$2.71	\$3.25
Net Fiscal Impact	<b>\$0.83</b>	<b>\$1.90</b>	<b>\$3.83</b>	<b>\$4.82</b>
<b>All Cost Categories at 100% Variable</b>				
Expenditures	\$0.93	\$2.17	\$3.05	\$3.67
Net Fiscal Impact	<b>\$0.72</b>	<b>\$1.65</b>	<b>\$3.48</b>	<b>\$4.41</b>

Source: City of Davis; EPS.

**10. Substitution:** We would like to see the potential substitution modeled as the SEIR indicated that more than 313,000 sq. ft. of existing space would potentially become vacant as a result of competition from the ARC (page 3-181). The SEIR further noted "ALH Economics concluded that the illustrative analysis suggests that regardless of the amount of space, some increment of existing office and industrial space is at risk of sustained vacancy following development of the ARC Project." (page 3-182).

### EPS Response

We believe it is highly unlikely that 313,000 sq. ft. would become vacant at the same time. For that scenario to occur, the SEIR states that half of all innovation sector tenants currently located in Davis would need to relocate to ARC. Aside from the obligations of these entities' existing lease terms, there is no reason to believe they would incur the fit-out and moving costs of relocating to ARC unless they had compelling reasons. It should be noted that if they had such compelling reasons, they could also be candidates for relocation or expansion out of the city entirely due to lack of viable space options, if not for the presence of ARC. Additionally, that scenario assumes no other firms beside the ones already existing in Davis – at their present size – would be looking to occupy office/R&D space in the market. The Interland/ Research Center Drive and 2<sup>nd</sup> Street areas have extremely low vacancy rates, suggesting that current conditions inhibit potential economic activity within the city.

City staff also noted that the Davis Downtown Business Association and Davis Chamber of Commerce submitted letters of support to the FBC. These organizations are comprised of business and property owners in the City. These two organizations would raise cannibalization if they were concerned with it as their members have a direct stake in that situation. The lack of concern for cannibalization by the business community and the support of these organizations further demonstrates that there is a need for additional space.

**11. Developer Financial Sensitivity:** We believe that it would help the city in negotiating to understand the sensitivity of the analysis to additional capital investment at each stage of the project. For example, what is the effect of \$5M of additional investment at the beginning phase. Understanding the effect of changes to the project on the developer’s return could prove very useful.

**EPS Response**

To test the impact of changes to capital investment, additions were made to the upfront capital costs in the pro forma analysis. The amount added to upfront capital cost by phase for each sensitivity test is shown in **Table 4** below, with the resulting leveraged and unleveraged IRRs.

**Table 4. Financial Return Sensitivity Tests**

Rate of Return Measure	Phase 1	Phase 2	Phase 3	Phase 4	Overall
<b>Base Case</b>					
Unleveraged IRR	13.7%	17.0%	9.3%	8.9%	<b>13.3%</b>
Leveraged IRR	22.2%	28.3%	14.9%	11.6%	<b>22.5%</b>
<b>\$5 Million Added Cost Phase 1 Only</b>					
Unleveraged IRR	12.3%	17.0%	9.3%	8.9%	<b>12.7%</b>
Leveraged IRR	19.2%	28.3%	14.9%	11.6%	<b>20.6%</b>
<b>\$5 Million Added Cost Each Phase</b>					
Unleveraged IRR	12.3%	15.7%	8.5%	8.4%	<b>12.1%</b>
Leveraged IRR	19.2%	25.3%	13.0%	10.7%	<b>19.7%</b>
<b>\$10 Million Added Cost Phases 1 &amp; 2</b>					
Unleveraged IRR	11.1%	14.6%	9.3%	8.9%	<b>11.5%</b>
Leveraged IRR	16.8%	23.0%	14.9%	11.6%	<b>18.0%</b>

Source: EPS.

It should be noted that the development costs in Phase 3 and Phase 4 include the construction of parking garages. It is likely that Transit Demand Management tools coupled with future transit options would result in less parking demand than what is modeled. The Project will be incentivized to explore other tools before constructing a parking garage. The Project pro forma modeling anticipates parking garage construction in Phase 3 to be \$28 million and in Phase 4 to be \$36 million (both in

2020\$). Should those requirements be reduced by 50%, the overall IRR improves significantly for those respective phases as demonstrated in **Table 5**, below.

**Table 5. Parking Financial Return Sensitivity Test**

Rate of Return Measure	Phase 1	Phase 2	Phase 3	Phase 4	Overall
<b>Base Case</b>					
Unleveraged IRR	13.7%	17.0%	9.3%	8.9%	<b>13.3%</b>
Leveraged IRR	22.2%	28.3%	14.9%	11.6%	<b>22.5%</b>
<b>50% Parking Cost Reduction Phases 3 &amp; 4</b>					
Unleveraged IRR	13.7%	17.0%	12.2%	11.2%	<b>14.2%</b>
Leveraged IRR	22.2%	28.3%	23.0%	15.2%	<b>23.4%</b>

Source: EPS.

## Additional Responses

### *COVID—19 Impact*

It is very difficult to say at this time what the impact of COVID-19 will be on the fiscal impact of the Project. The fiscal impact has been analyzed at the end of each of the four phases, all in 2020 dollars and based on the 2019-20 Budget. Following a slower start than originally anticipated, the Project could be operating as projected by the time Phase 1 is complete. Since the fiscal analysis is in constant dollars, any delay in and of itself will not impact the results.

In an exceedingly pessimistic scenario, where Phase 1 values are only 80 percent of their pre-COVID projections, overall values by the end of Phase 4 would be back to 98 percent, assuming that Phases 2 through 4 were at their previous estimates of value. While the Phase 1 net fiscal impact from such a scenario would be a net surplus of \$0.78 million instead of \$0.96 million, by the end of Phase 4, the surplus is \$5.26 million instead of \$5.32 million.

### *Semiconductor Manufacturing*

There has been some misinterpretation regarding the industry sectors that were included in the estimate of economic impact multipliers for the advanced manufacturing use. The sectors were chosen to be representative of industries representing the high-tech sector. Their inclusion does not imply that they are planned or recommended, but to provide samples of industry behavior in terms of employment and subsector purchasing behavior. The impact multipliers of these comparable industries were averaged together to develop a set of multipliers to estimate of the impact of advanced manufacturing uses.

City staff noted that should the City desire to potentially allow for this use, tools such as a Conditional Use Permit could be required to ensure a higher level of scrutiny is applied to ensure no public nuisance or safety hazards are presented. This is a land-use planning matter that is of the purview of the Planning Commission and City Council.



Dear Davis City Planning Commission and Davis City Council Members,

I am writing in full support of the Davis Innovation Sustainability Center (DISC, formerly Aggie Research Campus). I have lived in Davis since 1992, when I co-founded, and was President of, Novo Nordisk Biotech, Inc. for 15 years, (now named Novozymes, Inc.), have had numerous interactions with UC Davis (2 term Board of Trustee member; Co-Founder and Chair of the Robert Mondavi Wine and Food Science Institute, Various Dean and Vice Chancellor Advisory roles), interacted with/supported numerous UC Davis scientists/entrepreneurs, started UC Davis spin-off companies, as well as being a member of the Yolo County Economic Council. The inventive nature of the scientists in Davis is quite significant, but, what has always lacked was the infrastructure to set in motion, the start-up nature of Davis originated companies. Several had to go to the Bay Area for infrastructure reasons.

The DISC development project is quite unique and meets the needs of the innovative culture of Davis. I hope that you will be in full support of this significant project. The mix of company infrastructure, housing, open space is just what this city needs. The demand is there, as well as the economic gain for the City of Davis. Being close to UCD is key for many companies, as the interactions are vitally important for collaboration. I, myself, tried to move my Bay Area (Taxon Biosciences in Tiburon) company to Davis in 2014, but there was no available space, so the company stayed in Tiburon. A recent UCD spinoff, that I helped to co-found, Digestiva, had to locate in Sacramento, due to the dearth of lab space in Davis; but still prefers to be in Davis.

There is no doubt a strong demand for DISC-type of facilities in Davis. I believe that there will be no trouble in finding the envisioned tenants for the DISC facilities. In fact, I am working with two different venture capital groups with the goal of starting companies in Davis, we just need the space (labs/offices)!

On the economic front, the DISC project seems like a significant financial win for Davis. The City of Davis will come out ahead, with about \$5.4M annual budget surplus, when this project is developed. Thus, this project will go a long way towards fixing any City financial shortfalls. In addition, when fully developed, the DISC project should bring about 6,000 new jobs to Davis, a significant opportunity that the City should not give up

In addition to the lab, office and industrial space, the DISC project also include housing, green spaces, which makes it a great project from an environmental and economic standpoint. Onsite housing will ease the strain on the City's transportation system.

In summary, the DISC project seems just what the City of Davis needs now. Let's build a community that nurtures local entrepreneurship and attracts significant investment from companies that would love gain some Davis strength. I sincerely hope that you vote to pass/put forward the DISC project.

Best regards,  
Glenn Nedwin, Davis resident since 1992.

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There is no doubt a strong demand for DISC-type of facilities in Davis. I believe that there will be no trouble in finding the envisioned tenants for the DISC facilities. In fact, I am working with two different venture capital groups with the goal of starting companies in Davis, we just need the space (labs/offices)!

On the economic front, the DISC project seems like a significant financial win for Davis. The City of Davis will come out ahead, with about \$5.4M annual budget surplus, when this project is developed. Thus, this project will go a long way towards fixing any City financial shortfalls. In addition, when fully developed, the DISC project should bring about 6,000 new jobs to Davis, a significant opportunity that the City should not give up

In addition to the lab, office and industrial space, the DISC project also include housing, green spaces, which makes it a great project from an environmental and economic standpoint. Onsite housing will ease the strain on the City's transportation system.

In summary, the DISC project seems just what the City of Davis needs now. Let's build a community that nurtures local entrepreneurship and attracts significant investment from companies that would love gain some Davis strength. I sincerely hope that you vote to pass/put forward the DISC project.

Best regards,  
Glenn Nedwin, Davis resident since 1992.



1415 L Street,  
Suite 300  
Sacramento, CA  
95814

916.321.9000  
sacog.org

June 9<sup>th</sup>, 2020

Michael Webb, City Manager  
City of Davis  
23 Russell Blvd., Suite 1  
Davis, CA 95616

Re: Proposed Plan for the Davis Innovation Sustainability Campus

Dear Mr. Webb,

This letter is in response to the City's request for review of the proposed Davis Innovation Sustainability Campus (DISC). Thank you for inviting SACOG to comment on this project as it relates to the Preferred Blueprint Scenario map and principles. SACOG provided a blueprint review letter on October 2, 2015 for a former iteration of this project, which at that time was called the Mace Ranch Innovation Center. Since that time, the applicant has revised the proposed project and is seeking approval and annexation into the City of Davis.

The proposed DISC project is located on 185-acres, immediately east of the Davis city limits, near the "Mace Curve", in unincorporated Yolo County. The campus would have up to 2,654,000 square feet of non-residential floor area, including 1,510,000 square feet of office/research and development/laboratory space and 884,000 square feet of advanced manufacturing/prototyping/product testing space. Unlike previous iterations of the project, the proposed DISC project includes a housing component. The 850 units included as a part of DISC average 30 units/acre with 280 medium density owner-occupied units and 570 high density renter-occupied units. While the method for meeting the project's affordable housing obligation are still under consideration, the project's fiscal and economic impacts report projected the project would pay \$9,560,000 in affordable housing impact fees. The proposed DISC will also include a transit hub, as well as new roads, walkways, and bicycle paths connecting to the existing transportation and trail network.

The proposed project was compared to the Preferred Blueprint Scenario. The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. For this reason, it is not possible to apply them at a parcel level.

Findings and Evaluation:

Auburn  
Citrus Heights  
Colfax  
Davis  
El Dorado County  
Elk Grove  
Folsom  
Galt  
Isleton  
Lincoln  
Live Oak  
Loomis  
Marysville  
Placer County  
Placerville  
Rancho Cordova  
Rocklin  
Roseville  
Sacramento  
Sacramento County  
Sutter County  
West Sacramento  
Wheatland  
Winters  
Woodland  
Yolo County  
Yuba City  
Yuba County

- The proposed plan offers non-motorized transportation opportunities, which are consistent with the Blueprint transportation choice principle. The proposed transit plaza will provide Unitrans bus stops, as well as local shuttle and vanpool stops, and parking for car-share. Walkways are included throughout the project. The proposal also includes a pedestrian/bicycle corridor within the agricultural buffer, which provides connections to the existing pedestrian trails system and regional bike trail, as well as to bike lanes on existing roads adjacent to the site. The plan also incorporates bicycle amenities, including bicycle parking and a bike storage and repair area at the Transit Plaza. One of the concerns SACOG outlined in the 2015 letter for the prior project proposal on this site was that the project included traditional parking ratios that may be higher than necessary after accounting for the type of innovation businesses targeted for the project and the trip reduction benefits of the project's transportation demand management strategies. The current proposal reduced the parking stalls from 6,032 spaces in the Mace Ranch Innovation Center Mixed-Use Alternative to 4,340 spaces in the current proposal. In fact, the applicant notes that while the multifamily housing is proposed at 1 space per unit, there is an option to reduce this ratio further to 0.5 space per unit. This reduction will better reflect the Blueprint principles, will allow for more affordable housing design, and will make more efficient use of the space.
- The proposed plan also includes parks, open space, and agricultural buffers consistent with the Blueprint natural resource conservation principle, including greenways, commons, courtyards, orchards, and plazas. The agricultural buffer will also provide opportunities for community gardens, organic agriculture, trails, shade trees, and native plant habitat. While the project will convert agricultural land to urban uses, the site is already bordered on two sides by urban development and permanent agriculture easements on its other sides. The Blueprint envisioned the need for some small, targeted expansion of the city limits in order to accommodate some of its future growth.
- Housing choice and diversity is an important Blueprint principle for ensuring that multiple segments of the housing market can be met. The Blueprint, as well as every MTP/SCS update since then, has identified the need for more attached housing in the region in order to meet the needs of current and future residents. In Davis, the Blueprint assumes a significant portion of the housing growth, roughly two-thirds, is attached housing including apartments, townhomes, condominiums, and mixed-use projects. The range of multifamily units proposed in the project offers housing types that are different from the single-family products in the neighboring Mace Ranch, Cottages North, and El Macero Estates subdivisions. The 850 units included as a part of DISC are average 30 units/acre with 280 medium density owner-occupied units at 25 units/acre and 570 high density renter-occupied housing units at 35 units/acre. This mix of housing types, densities, and sizes would also correlate to a range in prices and rents that is expected to be more affordable than the average home in the area.

- The project also illustrates the benefits of the Blueprint principles of mixed use and compact development. Districts that are both compact and mixed in uses are efficient in their use of land and resources, but also function as local activity centers, where people tend to walk or bike to destinations, use transit more frequently, and take shorter auto trips. By including some housing and including horizontal and vertical mixed use elements, the project will likely have lower GHG emissions than if those elements were not included.
- Quality design is one of the seven Blueprint principles that is important as new development is added to neighborhoods. It's clear that the City's design review process is working to ensure this project it integrates well with the surrounding area.
- Mixed-use development is a Blueprint principle that can be used to describe the importance of area-wide balancing of housing and employment. The ultimate purpose of the Blueprint is to demonstrate development patterns that improve quality of life for both workers and residents. Building homes, shops, offices, entertainment, schools, and other uses within walking distance helps create active, vital neighborhoods. A community designed with a good, or balanced, mix of uses helps to encourage walking, biking, shorter driving trips, and transit use. It is important to have a balance of jobs and households so that jobs or housing do not have to be imported or exported beyond the normal out- and in-commuting that happens in a mobile society. All else being equal, areas with high or low jobs-housing balance are likely to generate longer commutes for workers and higher greenhouse gas emissions from transportation. This is especially pertinent for employment centers.

The Blueprint study revealed the need to plan for more mixed use and housing to create a better jobs/housing balance in the UC Davis and City of Davis area, which is currently jobs rich. The proposed DISC project includes a mix of both housing and employment, which mitigates potential jobs/housing imbalances exacerbated by a new job center and results in the opportunity for short work trips. It includes the features of an active, vital neighborhood that will include quality of life for residents and workers, implementing the spirit of the Blueprint.

While the proposed DISC project includes 850 units of housing, the campus would also include over 5,000 new jobs. The 850 units will mitigate some housing pressure, but will ultimately not be enough to accommodate all the employees of the proposed project. No single project is responsible for maintaining perfect jobs/housing balance. However, given that the Davis/UC Davis area is already jobs rich and the proposed DISC project will add significantly more jobs than housing, we encourage the City to identify substantial additional housing capacity within Davis to accommodate existing and future need for housing.

While not a Blueprint principle, it should be noted that the proposed project would provide economic benefits to the City and the region. SACOG participates as a regional partner in the implementation of Our Path Forward: the Prosperity Strategy. This document outlines six core strategies aimed at creating a more prosperous, equitable, and resilient region. The first two strategies are related to expanding and supporting growth in industry clusters where the region has a competitive advantage, including food/agriculture, health innovation, and life sciences. The proposed DISC project includes many of the Prosperity Strategy's initiatives to catalyze growth in these industries. Specifically, the DISC will include dry and wet labs, space for research/incubator start-ups, university spin-off research programs, spaces for prototyping and manufacturing, and space specifically for ag tech, med/bio tech, and clean tech.

Overall, the proposed plan meets the spirit of the Blueprint growth principles and provides economic prosperity benefits. However, the city could further maximize the Blueprint benefits of this unique project by planning for additional housing capacity within the city to accommodate the increased housing demand that will accompany the economic activity generated by the project. Again, thank you for inviting SACOG's input on this project. If you have further questions or need further assistance, please don't hesitate to contact me.

Sincerely,



James Corless  
Executive Director

CC: Lucas Frerichs, City Councilmember  
Ashley Feeney, Assistant City Manager  
Sherri Metzker, Principal Planner



MABEL SALON  
CHIEF GOVERNMENT AND COMMUNITY RELATIONS OFFICER

GOVERNMENT & COMMUNITY RELATIONS  
ONE SHIELDS AVENUE  
DAVIS, CALIFORNIA 95616-8558  
TELEPHONE: (530) 752-9795

June 8, 2020

Mike Webb, City Manager  
City of Davis  
23 Russell Boulevard  
Davis, CA 95616

**RE: Regional Economic Recovery and Readiness**

Dear Mike,

Throughout Yolo County, UC Davis supports the recent progress and strategic economic development led by the Cities of Davis, Woodland, Winters and West Sacramento. Many of these efforts have focused on traditional economic strengths within Yolo County and included connections to agriculture, biotechnology, and healthcare, some of which had have directly benefited from connections with original UC Davis research. Newly emerging initiatives will follow those prior successes in areas such as the seed technology for feeding a growing world, health and veterinary health technology, and innovative sustainability efforts addressing climate change and community resiliency. We expect collaboration from many private and public partners to expand these ongoing successes and bring innovation forward with ideas that will ultimately become the next big thing.

One essential element for these efforts is readiness. Within our region, we must collectively and collaboratively lead with economic recovery and be ready to support long-term economic development. Successful economic development demands early innovation, support for new industry startups, and readiness with our workforce, facilities and infrastructure. For UC Davis our effort in Sacramento at Aggie Square is one example where we will have a specific focus on research innovation and entrepreneurship with proximity to our medical fields, the UC Davis hospital, and where we will provide facility access for key industries that align with our UC Davis and regional goals. For Aggie Square, we are on track and are now finishing our pre-construction planning.

In addition, UC Davis supports the effort of local cities to consider other strategic development projects in the region such as the Davis Innovation and Sustainability Campus, the Woodland Research and Technology Park, and the City of West Sacramento housing and riverside development efforts. With each of these projects having a unique development focus, a unique timeline and specific community serving attributes, we see an assembly of careful readiness strategies that are poised for community consideration and then approvals for construction.

With careful attention to community equity and sustainability requirements, these types of projects could produce new opportunities for our shared communities. Regional economic development remains a priority for UC Davis and encouraging projects that provide future readiness appears as a win-win for our overall regional community and for UC Davis.

Sincerely,

A handwritten signature in black ink that reads "Mabel Salon". The signature is written in a cursive, flowing style.

Mabel Salon  
Chief Government and Community Relations Officer



Dan Ray  
2504 Bueno Drive  
Davis CA 95616

June 10, 2020

Planning Commissioners

City of Davis

23 Russell Boulevard

Davis, CA 95616

Via e-mail to: [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)

Dear Commissioners:

I write in opposition to the development now entitled Davis Innovation and Sustainability Campus. The project is inconsistent with values held by Davis' residents and embodied in Davis' general plan. Davis' foreseeable needs for industrial and office space can be better met, with less environmental impact, through infill and implementation of the new Downtown Plan, rather than this freeway-oriented peripheral development on prime farmland. This uncertain moment is not the time to lock the city into a 20 year commitment to a speculative development.

**THE PROJECT IS INCONSISTENT WITH VALUES HELD BY DAVIS' RESIDENTS AND DEPARTS DRAMATICALLY DAVIS' GENERAL PLAN.** A useful summary of the major visions, goals and policies in the general plan is provided in the Mayor's and city manager's *State of the City* report<sup>1</sup>: Key provisions relevant to the project include:

- Davis should remain a small, University-oriented town surrounded by farmland, greenbelt and natural habitat areas and preserves.
- The urban land uses designated on the General Plan land use map only contain the amount of land needed to accommodate the internally generated needs of its residents and the regional fair-share housing need.
- The Core would remain the retail/cultural/office center for the entire community designed at a pedestrian scale.
- University-related research businesses, administrative offices, and manufacturers using non-nuisance processes would be encouraged to locate in Davis.

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<sup>1</sup> <https://www.cityofdavis.org/home/showdocument?id=7985>

- All resources would be preserved, conserved, and enhanced or restored, if feasible, including prime farmland, natural habitat, historic, archaeology, scenic, water, air, minerals, parks, trees, drainage channel/ponds.

Many Davis' leaders and residents express this vision even more succinctly by saying "Davis should grow up, not out". These visions and goals reflect core values of most Davis' residents. Many comments on the EIR confirm these views.

The project is fundamentally inconsistent with many of these visions:

- By developing an offramp-oriented business park and housing development on the city's periphery, beyond the city's approved sphere of influence, it undermines the vision that Davis would remain a small, University-oriented town surrounded by farmland, greenbelt and natural habitat areas and preserves.
- The project, together with the Target shopping center, new Residence Inn, and associated development, is creating a new retail and office center for the city that will rival downtown, frustrating the vision that the core would remain the retail/cultural/office center for the entire community. By cannibalizing businesses and investment that could otherwise keep our downtown vital and attractive, it undermines the vitality of the downtown and the implementation of the draft Downtown Davis Specific Plan, the project.
- By seeking to attract subsidiaries of larger, more established companies in Sacramento and/or the Bay area<sup>2</sup>, attracting larger increments of office and industrial space, and drawing to Davis businesses located in other regional locations like Woodland and West Sacramento<sup>3</sup>, the project conflicts with the general plan provisions that planned land uses should accommodate only the internally generated needs of Davis' residents.
- The project converts prime farmland that is planned and zoned for continued agricultural use, rather than preserving and conserving it.

In Attachment 7's analysis of consistency with the general plan, the staff report neglects this big picture while emphasizing the picayune. Spreading development across Mace Boulevard by annexing farmland land beyond the city limits does not contribute to establishing a distinct urban edge, as called for in general plan policy LU 1.4, but instead erases a long-respected and psychologically powerful urban limit. Any

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<sup>2</sup> P. 3-5 in

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/Aggie%20Research%20Campus%20Draft%20Subsequent%20EIR.pdf>

<sup>3</sup> P. 3-182 at

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/Aggie%20Research%20Campus%20Draft%20Subsequent%20EIR.pdf>

examination of real estate development in the region undermines the hope that a 150 foot wide easement will prevent the spread of further growth beyond the project site. Sue Greenwald's letter commenting on the draft SEIR includes a timely warning, for example, of how potential State legislation limiting local government zoning for developable urban sites adds risks for further residential development at this site should this application be approved

**DAVIS' FORESEEABLE NEEDS FOR INDUSTRIAL AND OFFICE SPACE CAN BE BETTER MET, WITH LESS ENVIRONMENTAL IMPACT, THROUGH INFILL AND IMPLEMENTATION OF THE NEW DOWNTOWN PLAN.** Enough land is or will be available on existing commercially- or industrially-zoned parcels or through the Downtown Davis Specific Plan to accommodate 1.6-2.0 million square feet of the office and commercial space proposed to be accommodated at the project site. University Research Park will provide 27,000 square feet of R&D space. The Downtown Davis Specific Plan would provide space for construction of 450,000 square feet of office space (SEIR p 3-309), much of which is anticipated to be office/R&D oriented. The SEIR reports that there are an additional 125 acres of vacant commercially-zoned land within the city. According to the city's Business Park Land Strategy<sup>4</sup>, 11 of these sites are large or medium sites totaling over 100 acres that can accommodate 1.2-1.5 million square feet of office or commercial space. At a rate of 128,000 to 175,000 square feet of office/R&D space absorbed annually for an innovation center, as forecast in BAE Urban Economics *Economic Evaluation of Innovation Park Proposals*<sup>5</sup>, these available sites, including those available through implementation of the draft Downtown Davis Specific Plan, could accommodate over a decade's worth of office and R&D development. Even more space for manufacturing will become available when Schilling Robotics departs its site in 2020.

The draft Downtown Davis Specific Plan can also accommodate the hotel and 1000 new residential units by 2040<sup>6</sup>. Even more land for office and R&D development will be available when may become available should bankrupt PG&E or its successor choose to repurpose its underutilized east Davis corporation yard.

**AN INFILL ALTERNATIVE CAN MEET THE CITY'S OBJECTIVES FOR THE FORESEEABLE FUTURE:**

- Right sized. The existing sites available for R&D office and industrial space and planned downtown development opportunities meet many of the objectives spelled

<sup>4</sup> <http://economic-development.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Innovation-Park-Task-Force-Committee/Documents/Final-Business-Park-Land-Strategy-2010-10-27.pdf>

<sup>5</sup> April 11, 2016 Staff Report to the Finance and Budget Committee regarding MRIC Project – annualized Fiscal Impact analysis and Land Economics Analysis

<sup>6</sup> <file:///C:/Users/Daniel/Documents/Dan's%20word%20files/DraftDowntownDavisSpecific.pdf>

out in city's business park strategy. They can accommodate space for research/incubator startups because, although some of the sites are not large, many of the businesses the city hopes to attract are expected to also be small, independent entrepreneurs. Others existing sites are larger, able to accommodate more established companies.

- UC Davis proximity. By focusing office and R&D space in downtown Davis and existing sites, an infill alternative would strengthen partnerships with UC Davis, which is a 3 minute bicycle ride and a 5 minute walk to downtown rather than the 20 minute bus or bicycle ride to the project site, according to Google maps.
- Suitable for many uses. Together, existing commercially and industrially zoned properties and downtown R&D space can accommodate many types of uses that could proposed on the project site. With its easy access to UCD, the new hotel proposed in the draft Downtown Davis Specific Plan and 100s of existing hotel rooms, the downtown is also capable of hosting the corporate travelers and educational conferences proposed at the project site. The diversity of uses and spaces downtown and other suitably-zoned sites facilitates the “live, work, play” concept and create the opportunity for interaction and cross pollination that the city seeks.
- Superior planning and design. The form-based zoning of the draft Downtown Davis Specific Plan coupled with the high standards of Davis' planning processes will facilitate the superior site planning, architectural design, traffic management, and environmental controls the city seeks.
- Smart circulation. The walk- and bike-ability of the downtown and existing Davis neighborhoods will internalize trips and minimize impacts on local roadways, especially already overburdened Mace Boulevard and Second Street, which would become high traffic routes from UCD through quiet east Davis neighborhoods to the project site.

The staff has dismissed an infill alternative without a recent analysis and the SEIR improperly ignores it in violation of precedential court decisions about CEQA<sup>7</sup>. The Business Park Strategy upon which the staff relies is now 10-year old. Its criterion focusing attention on highly visible sites with easy freeway access inherently downgrades infill opportunities, which instead exploit nooks and crannies in the urban fabric. Davis, on the other hand, hosts highly innovative businesses tucked into a variety of spaces around town. The “true innovation center” – primarily a business park at an offramp – that the staff report imagines isn't a prerequisite for originality, collaboration, and entrepreneurship. The staff report's assertion that dispersal of R & D uses

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<sup>7</sup> Watsonville Pilots Association v. City of Watsonville (2010) 183 Cal. App. 4<sup>th</sup> 1059; Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal. 3d 376

throughout available sites would inhibit synergy misunderstands how creativity occurs both through interaction with unusual partners and the use of information technology and telecommunications. An infill alternative is feasible, as defined in CEQA, and preferable to the project proposed.

**DESTROYING PRIME FARMLANDS IS EVERLASTING DAMAGE TO BE AVOIDED.**

Development consumes an average of about 40,000 acres of California agricultural land per year, according to the Department of Food and Agriculture. Cumulatively, about 3.4 million acres of land in California’s agricultural counties are now urbanized. (Another 2 million acres are in areas that are so urbanized that there is no more agriculture.)<sup>8</sup> Other regions – Orange County, the San Fernando Valley, and Santa Clara County, for example – have paved over some of the world’s best farmland.

I am grateful Davis and Yolo County have taken a different but difficult course – striving to protect and celebrate farms, rather than pave them over. Yolo County’s agricultural zoning of the project site, and its exclusion from Davis’ sphere of influence represent this commitment. The general plan goal to develop an agricultural transition area around Davis (Goal POS 2) and to *use all available mechanisms for preservation of open space* (Policy POS 1.7) are not an endorsement for bulldozing yet more prime farmland.

Our care in protecting these lands has been part of what has made Davis exceptional in ways a business park will not. Out-of-town visitors to our Davis’ home often comment on the beauty of the farmlands that this project would urbanize – the golden sunflowers and canola, delicious processing tomatoes, or emerald corn, or distant views after winter storms across these fields toward Sacramento’s skyline and the snowcapped Sierra.

In addition to destroying the project’s farmland, neighbors’ SEIR comments worry that the project will threaten their nearby farms. These concerns should be heeded to ensure their farms’ long-term viability.

Additional damage to farmland will likely result from construction of the detention basin to hold the project’s stormwater runoff on city-owned farmland to the east. While the staff hopes stockpiling topsoil and redistributing it over the new detention basin may lessen this damage, the fallowed “urban farm” at the Cannery is a caution that well-intended measures are often unsuccessful. Storing stormwater on these lands will impair their agricultural productivity, as the County’s protests about extended flooding of the Yolo Bypass have demonstrated. As someone who has spent too much time working on Central Valley flood issues, I do not share the SEIR’s hope that excess drainage can be pumped into a flood-swollen Yolo Bypass, whose levees currently lack the capacity needed to carry increasing flood flows. The County’s SEIR comments also

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<sup>8</sup> California Department of Food and Agriculture. Undated. *Agricultural Land Loss and Conservation*. At [https://www.cdffa.ca.gov/agvision/docs/Agricultural\\_Loss\\_and\\_Conservation.pdf](https://www.cdffa.ca.gov/agvision/docs/Agricultural_Loss_and_Conservation.pdf).

insist this measure must be further defined and analyzed. Other SEIR comments also express concern about this measure and its effects on farmland, for which effective mitigation is uncertain.

**THIS UNCERTAIN MOMENT IS NOT THE TIME TO LOCK THE CITY INTO A 20-YEAR COMMITMENT TO A SPECULATIVE DEVELOPMENT.** No one, including the developers, the Greater Sacramento Economic Council, the planning staff, or me, knows how Covid-triggered changes will affect the economy, the use of office space and other real estate, or UCD. Many suggest the future will be unlike the past<sup>91011</sup>. The Cannery's vacant retail space illustrates the limits of planners' real estate demand forecasts during periods of dramatic change.

The implications of these changes for the project are uncertain. The project's success depends on Davis' capturing development from other lower-cost locations over the next 20-years – an exceptionally long waiting period for a return on an investment. If that wish is unfulfilled, will the developers wait patiently for future R&D tenants? Or will the City repeat its pattern of relieving restrictions that limit buildout of these developers' projects<sup>12</sup>, burdening Davis' with the impacts of this development without its hoped for benefits?

Rather than entering a 20-year commitment to the project, the City would be wiser to pause until the consequences of recent changes are clearer. Acting on the project now is unnecessary and unwise

Sincerely,  
s/ Dan Ray

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<sup>9</sup> Altus Group. 2020. *How will the COVID-19 pandemic impact our demand for office and industrial space in the future?* at <https://www.altusgroup.com/data/insights/how-will-the-covid-19-pandemic-impact-our-demand-for-office-and-industrial-space-in-the-future/>

<sup>10</sup> The Knowledge@Wharton Team. 2020. *How Would Curbs on Immigration Affect U.S. Tech Firms?* at <https://knowledge.wharton.upenn.edu/article/immigration-ban-impact-u-s-tech-firms/#>

<sup>11</sup> Caleb Hampton. 2020. "International students face uncertainty as Trump weighs visa suspensions". *Davis Enterprise*. at <https://www.davisenterprise.com/local-news/international-students-face-uncertainty-as-trump-weighs-visa-suspensions/>

<sup>12</sup> Anne Ternus-Bellamy. 2019. "Council approves changes to Target shopping center". *Davis Enterprise*. at <https://www.davisenterprise.com/local-news/council-approves-changes-to-target-shopping-center/>

Dan Ray  
2504 Bueno Drive  
Davis CA 95616

June 10, 2020

Planning Commissioners

City of Davis

23 Russell Boulevard

Davis, CA 95616

Via e-mail to: [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)

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<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/20200427%20SEIR%20NOA/Aggie%20Research%20Campus%20Draft%20Subsequent%20EIR.pdf>



examination of real estate development in the region undermines the hope that a 150 foot wide easement will prevent the spread of further growth beyond the project site. Sue Greenwald's letter commenting on the draft SEIR includes a timely warning, for example, of how potential State legislation limiting local government zoning for developable urban sites adds risks for further residential development at this site should this application be approved

**DAVIS' FORESEEABLE NEEDS FOR INDUSTRIAL AND OFFICE SPACE CAN BE BETTER MET, WITH LESS ENVIRONMENTAL IMPACT, THROUGH INFILL AND IMPLEMENTATION OF THE NEW DOWNTOWN PLAN.** Enough land is or will be available on existing commercially- or industrially-zoned parcels or through the Downtown Davis Specific Plan to accommodate 1.6-2.0 million square feet of the office and commercial space proposed to be accommodated at the project site. University Research Park will provide 27,000 square feet of R&D space. The Downtown Davis Specific Plan would provide space for construction of 450,000 square feet of office space (SEIR p 3-309), much of which is anticipated to be office/R&D oriented. The SEIR reports that there are an additional 125 acres of vacant commercially-zoned land within the city. According to the city's Business Park Land Strategy<sup>4</sup>, 11 of these sites are large or medium sites totaling over 100 acres that can accommodate 1.2-1.5 million square feet of office or commercial space. At a rate of 128,000 to 175,000 square feet of office/R&D space absorbed annually for an innovation center, as forecast in BAE Urban Economics *Economic Evaluation of Innovation Park Proposals*<sup>5</sup>, these available sites, including those available through implementation of the draft Downtown Davis Specific Plan, could accommodate over a decade's worth of office and R&D development. Even more space for manufacturing will become available when Schilling Robotics departs its site in 2020.

The draft Downtown Davis Specific Plan can also accommodate the hotel and 1000 new residential units by 2040<sup>6</sup>. Even more land for office and R&D development will be available when may become available should bankrupt PG&E or its successor choose to repurpose its underutilized east Davis corporation yard.

**AN INFILL ALTERNATIVE CAN MEET THE CITY'S OBJECTIVES FOR THE FORESEEABLE FUTURE:**

- Right sized. The existing sites available for R&D office and industrial space and planned downtown development opportunities meet many of the objectives spelled

<sup>4</sup> <http://economic-development.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Innovation-Park-Task-Force-Committee/Documents/Final-Business-Park-Land-Strategy-2010-10-27.pdf>

<sup>5</sup> April 11, 2016 Staff Report to the Finance and Budget Committee regarding MRIC Project – annualized Fiscal Impact analysis and Land Economics Analysis

<sup>6</sup> <file:///C:/Users/Daniel/Documents/Dan's%20word%20files/DraftDowntownDavisSpecific.pdf>

out in city's business park strategy. They can accommodate space for research/incubator startups because, although some of the sites are not large, many of the businesses the city hopes to attract are expected to also be small, independent entrepreneurs. Others existing sites are larger, able to accommodate more established companies.

- UC Davis proximity. By focusing office and R&D space in downtown Davis and existing sites, an infill alternative would strengthen partnerships with UC Davis, which is a 3 minute bicycle ride and a 5 minute walk to downtown rather than the 20 minute bus or bicycle ride to the project site, according to Google maps.
- Suitable for many uses. Together, existing commercially and industrially zoned properties and downtown R&D space can accommodate many types of uses that could proposed on the project site. With its easy access to UCD, the new hotel proposed in the draft Downtown Davis Specific Plan and 100s of existing hotel rooms, the downtown is also capable of hosting the corporate travelers and educational conferences proposed at the project site. The diversity of uses and spaces downtown and other suitably-zoned sites facilitates the “live, work, play” concept and create the opportunity for interaction and cross pollination that the city seeks.
- Superior planning and design. The form-based zoning of the draft Downtown Davis Specific Plan coupled with the high standards of Davis' planning processes will facilitate the superior site planning, architectural design, traffic management, and environmental controls the city seeks.
- Smart circulation. The walk- and bike-ability of the downtown and existing Davis neighborhoods will internalize trips and minimize impacts on local roadways, especially already overburdened Mace Boulevard and Second Street, which would become high traffic routes from UCD through quiet east Davis neighborhoods to the project site.

The staff has dismissed an infill alternative without a recent analysis and the SEIR improperly ignores it in violation of precedential court decisions about CEQA<sup>7</sup>. The Business Park Strategy upon which the staff relies is now 10-year old. Its criterion focusing attention on highly visible sites with easy freeway access inherently downgrades infill opportunities, which instead exploit nooks and crannies in the urban fabric. Davis, on the other hand, hosts highly innovative businesses tucked into a variety of spaces around town. The “true innovation center” – primarily a business park at an offramp – that the staff report imagines isn't a prerequisite for originality, collaboration, and entrepreneurship. The staff report's assertion that dispersal of R & D uses

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<sup>7</sup> Watsonville Pilots Association v. City of Watsonville (2010) 183 Cal. App. 4<sup>th</sup> 1059; Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal. 3d 376

throughout available sites would inhibit synergy misunderstands how creativity occurs both through interaction with unusual partners and the use of information technology and telecommunications. An infill alternative is feasible, as defined in CEQA, and preferable to the project proposed.

**DESTROYING PRIME FARMLANDS IS EVERLASTING DAMAGE TO BE AVOIDED.**

Development consumes an average of about 40,000 acres of California agricultural land per year, according to the Department of Food and Agriculture. Cumulatively, about 3.4 million acres of land in California’s agricultural counties are now urbanized. (Another 2 million acres are in areas that are so urbanized that there is no more agriculture.)<sup>8</sup> Other regions – Orange County, the San Fernando Valley, and Santa Clara County, for example – have paved over some of the world’s best farmland.

I am grateful Davis and Yolo County have taken a different but difficult course – striving to protect and celebrate farms, rather than pave them over. Yolo County’s agricultural zoning of the project site, and its exclusion from Davis’ sphere of influence represent this commitment. The general plan goal to develop an agricultural transition area around Davis (Goal POS 2) and to *use all available mechanisms for preservation of open space* (Policy POS 1.7) are not an endorsement for bulldozing yet more prime farmland.

Our care in protecting these lands has been part of what has made Davis exceptional in ways a business park will not. Out-of-town visitors to our Davis’ home often comment on the beauty of the farmlands that this project would urbanize – the golden sunflowers and canola, delicious processing tomatoes, or emerald corn, or distant views after winter storms across these fields toward Sacramento’s skyline and the snowcapped Sierra.

In addition to destroying the project’s farmland, neighbors’ SEIR comments worry that the project will threaten their nearby farms. These concerns should be heeded to ensure their farms’ long-term viability.

Additional damage to farmland will likely result from construction of the detention basin to hold the project’s stormwater runoff on city-owned farmland to the east. While the staff hopes stockpiling topsoil and redistributing it over the new detention basin may lessen this damage, the fallowed “urban farm” at the Cannery is a caution that well-intended measures are often unsuccessful. Storing stormwater on these lands will impair their agricultural productivity, as the County’s protests about extended flooding of the Yolo Bypass have demonstrated. As someone who has spent too much time working on Central Valley flood issues, I do not share the SEIR’s hope that excess drainage can be pumped into a flood-swollen Yolo Bypass, whose levees currently lack the capacity needed to carry increasing flood flows. The County’s SEIR comments also

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<sup>8</sup> California Department of Food and Agriculture. Undated. *Agricultural Land Loss and Conservation*. At [https://www.cdfa.ca.gov/agvision/docs/Agricultural\\_Loss\\_and\\_Conservation.pdf](https://www.cdfa.ca.gov/agvision/docs/Agricultural_Loss_and_Conservation.pdf).

insist this measure must be further defined and analyzed. Other SEIR comments also express concern about this measure and its effects on farmland, for which effective mitigation is uncertain.

**THIS UNCERTAIN MOMENT IS NOT THE TIME TO LOCK THE CITY INTO A 20-YEAR COMMITMENT TO A SPECULATIVE DEVELOPMENT.** No one, including the developers, the Greater Sacramento Economic Council, the planning staff, or me, knows how Covid-triggered changes will affect the economy, the use of office space and other real estate, or UCD. Many suggest the future will be unlike the past<sup>91011</sup>. The Cannery's vacant retail space illustrates the limits of planners' real estate demand forecasts during periods of dramatic change.

The implications of these changes for the project are uncertain. The project's success depends on Davis' capturing development from other lower-cost locations over the next 20-years – an exceptionally long waiting period for a return on an investment. If that wish is unfulfilled, will the developers wait patiently for future R&D tenants? Or will the City repeat its pattern of relieving restrictions that limit buildout of these developers' projects<sup>12</sup>, burdening Davis' with the impacts of this development without its hoped for benefits?

Rather than entering a 20-year commitment to the project, the City would be wiser to pause until the consequences of recent changes are clearer. Acting on the project now is unnecessary and unwise

Sincerely,  
s/ Dan Ray

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<sup>9</sup> Altus Group. 2020. *How will the COVID-19 pandemic impact our demand for office and industrial space in the future?* at <https://www.altusgroup.com/data/insights/how-will-the-covid-19-pandemic-impact-our-demand-for-office-and-industrial-space-in-the-future/>

<sup>10</sup> The Knowledge@Wharton Team. 2020. *How Would Curbs on Immigration Affect U.S. Tech Firms?* at <https://knowledge.wharton.upenn.edu/article/immigration-ban-impact-u-s-tech-firms/#>

<sup>11</sup> Caleb Hampton. 2020. "International students face uncertainty as Trump weighs visa suspensions". *Davis Enterprise*. at <https://www.davisenterprise.com/local-news/international-students-face-uncertainty-as-trump-weighs-visa-suspensions/>

<sup>12</sup> Anne Ternus-Bellamy. 2019. "Council approves changes to Target shopping center". *Davis Enterprise*. at <https://www.davisenterprise.com/local-news/council-approves-changes-to-target-shopping-center/>

To the Planning Commission:

Please review and consider my comments regarding the NRC's recommended environmental sustainability baseline features for the DISC/ARC Project.

City staff has, in places, rejected NRC-proposed environmental sustainability features that the Developer has already committed to in their Environmental Sustainability Guiding Principles (attached). There should be no backpedaling on those Principles previously proposed by the Developer. For ease of reference between the two documents, the exact language from the Developer in their Sustainability Guiding Principles are shown in *green italics*. The baseline conditions can and should go beyond City code, especially where the Developer has already committed to this. These scenarios will not be subject to an affordability review if the Developer agrees with these features, only if amending City code. Additionally, City staff has in places stated that certain conditions recommended by the NRC are included in the Baseline Project Features; however, the NRC's recommendations are not in whole reflected by the language in the Project Proposal. These important distinctions are noted below in **green bold**.

Please note that the transportation baseline features were not included in the PC meeting packet, as these were not ready for submittal at the time that the first set of baseline features from the NRC were submitted. Please review and consider including the TDM and traffic mitigation measures in the Project's baseline features in addition with any transportation features submitted by the BTSSC or others.

I would also like to note that the City Council has declared a climate emergency. Proposed conditions that go beyond City code are necessary to reduce the environmental impact of a project of this size. The Planning Commission has already received comment from individuals from the NRC (Richard McCann and Hannah Safford) that address these items that go beyond the current code. Please consider these comments in the development of the PC's recommendation for baseline project features.

Thanks,

Courtney Doss

Natural Resources Commission Member

*Comments submitted as an individual*

### **Proposed environmental sustainability features for the Davis Innovation Sustainability Campus Project**

*Recommended for inclusion in "Baseline Project Features" submitted for voter approval of the Project pursuant to a Measure R vote*

#### **Measurement and Verification**

To ensure accurate tracking and reporting of achievement of Project sustainability goals and obligations, the Developer will establish a Master Owners Association (MOA) for the Project that reports to the City and is responsible for measurement of, verification of, and assuring compliance with Project sustainability obligations and mitigation measures. The MOA will prepare and submit for City approval a Sustainability and Mitigation Monitoring Reporting Plan. Per the Plan, the MOA will prepare and submit to the City annual reports that describe progress towards meeting sustainability goals and obligations and implementing mitigation measures, including all relevant provisions in the Project's baseline features. Annual reports will also indicate what actions will be taken in the following year to meet phased actions as part of the sustainability goals and obligations and mitigation measures.

#### **Energy Efficiency and Usage**

The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite and ensuring that all Project structures consume 100 percent clean energy. "Clean energy" is defined as energy derived from technologies eligible for California's Renewables Portfolio Standard (RPS). In addition, the Developer shall commit to the following measures:

- The Project shall meet all CALGreen Tier 1 prerequisites for Residential and Non-Residential buildings in effect at the time of permitting of each phase of the Project.

*Developer Commitment: The Project shall meet and exceed Title 24, Cal Green Tier 1 and will utilize the City of Davis' Residential Energy Reach Code standards*

- The Project shall meet all City of Davis Residential and Commercial Energy Reach Code Standards in effect at the time of permitting of each phase of the Project.
- The Developer shall enter into a purchase and sale agreement with Valley Clean Energy (and/or another electric utility company) for all power produced by the Project in excess of on-site demand. This agreement shall ensure that all power generated but not used onsite is used locally.

*Developer Commitment: Project will enter into a power purchase agreement with Valley Clean Energy (or another electric utility company under reasonable economic terms) to which it will sell and distribute all electricity generated onsite. This arrangement will ensure that all power generated onsite which is not used onsite is utilized locally.*

- If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power from solely renewable sources such as Valley Clean Energy's "UltraGreen" 100 percent renewable and 100 percent carbon-free service (or equivalent) to offset the deficit. This requirement will be continued for the lifetime of the Project by building owners.

**Note: There is an important difference between purchasing 100% clean energy versus developing clean energy on site. Clean energy production on site should be maximize.**

*Developer Commitment: To achieve a Project that is fueled by 100% clean energy, Developer commits all structures, residential and non-residential, to purchase power from solely renewable sources such as Valley Clean Energy's "UltraGreen" 100% renewable program or its equivalent, to offset any electric deficit.*

- All onsite residential units shall be all-electric (i.e., shall not include natural-gas service).

*Developer Commitment: All onsite residential units will be all-electric and not include natural gas.*

- All onsite commercial buildings shall be all-electric, with the exception for fossil fuels (e.g., natural gas, propane) required for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City's Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.

**Note: While not required by the non-residential reach code, the City and Developer may agree to conditions beyond the current code. In this case they should. The note that fossil fuels will only be used "as specified by the tenant" reduced unnecessary gas services to the Project but allows gas services where business-critical.**

- Prior to beginning construction on each phase of the Project, the Developer shall prepare a report describing plans to incorporate passive heating and cooling strategies into building design so as to reduce overall energy demand. Such strategies may include but are not limited to: construction using thermally massive materials, incorporation of shading devices in the building envelope, strategic building orientation and window placement, and strategic planting of trees and other vegetation. This report shall be subject to review and approval by City staff.

**Note: The NRC wording here was strengthened to be more enforceable, at the request of City staff following submittal of the draft features submitted by the NRC.**

*Developer Commitment: Buildings shall be designed to incorporate passive heating and cooling so as to reduce overall energy demands.*

- All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.
- Prior to beginning construction on each phase on the Project, the Developer (and MOA for Phases 2 and 3) shall engage an outside consultant to conduct a solar feasibility assessment for development planned in that phase. The assessment shall identify all appropriate locations for solar photovoltaics (PV) or other future comparable technology, taking into account factors such as

structure orientation, grid design, installation cost, and site landscaping. Locations may include but are not limited to rooftops, ground solar arrays, and constructed canopy structures. The Developer shall implement PV on all recommended locations, up to the extent that Project electricity demands are fully met. Note that this provision is not intended to and shall not substantially interfere with Project requirements for tree canopy.

**Note that this provision is not intended to and shall not substantially interfere with Project requirements for tree canopy.**

*Developer Commitment: To maximize and optimize onsite solar energy generation, and future clean energy use, by mandating photovoltaics, or future comparable technology, on every conducive structure and in parking areas to the greatest extent practicable.*

- The Project shall achieve net-zero energy for outdoor lighting through the use of onsite PV or similar technology.

*Developer Commitment: Same*

- In anticipation of improved solar-connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.

**Note: This requirement is not for a microgrid, but only to design the system to allow for future connection (it's expected that the MOA would choose to implement when cost-effective but not specifically required).**

### Parking Lots and Internal Streets

The desired outcomes of design features for the Project's parking lots and internal streets shall be to: (1) encourage a mode shift from Single Occupancy Vehicles (SOVs) to walking, bicycling, public transit, private transit, ridesharing, carsharing, carpooling, and/or micromobility; (2) encourage use of zero-emission vehicles (e.g., electric vehicles) where SOV use is necessary as well as in any alternative transportation service that relies on passenger vehicles; (3) reduce runoff and heat-island effects amplified by parking lots; and (4) reduce adverse visual, aesthetic, and quality-of-life impacts of working and living near parking lots. To further these desired outcomes, the developer shall implement the following features in its parking areas and/or along the Project's internal roadway system:

- Low-impact development (LID) features, such as bioswales and permeable pavement, shall be implemented in all streets and surface-level parking to capture and filter runoff and maximize groundwater recharge.

*Developer commitment: Same*

- All parking surfaces or street-adjacent sidewalks that use or are conducive to tree shading shall incorporate structured soil or suspended substrate to allow successful tree-root development. The developer shall size the area of each pavement-treatment site to accommodate the maximum size of a tree that could reasonably be accommodated on that site.

*Developer commitment: All parking surfaces or street-adjacent sidewalks utilizing tree shading shall use structured soil or suspended substrate to allow successful tree root development.*

*Developer shall size pavement treatment area to accommodate the tree varietal's intended tree size.*

- Landscaping shall provide 80 percent shading of pedestrian walkways and off-street bike paths. At least 50 percent parking-lot shading shall be achieved through either shade trees or PV arrays. Compliance with these requirements shall be demonstrated at the time of building by securing permits for adequate PV arrays and/or by consulting with a certified arborist on a tree-planting and -maintenance strategy expected to achieve the desired shading area within 15 years of planting. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied. Progress towards meeting the shading requirement shall be included in each Annual Report.

**Note: The requirements for shading of pedestrian and bike paths are critical for TDM. This goes beyond the Tree Ordinance. 50% parking lot shading is in line with the ordinance.**

*Developer commitment: Landscaping shall provide 80% shading of pedestrian walkways and off-street Class I bike paths. 50% parking lot shading shall be achieved through either shade trees or photovoltaic arrays. These requirements shall be demonstrated at building permit for PV or shall*

*be achieved within 15 years of planting for areas shaded by trees. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied.*

- Parking preference and priority shall be given to electric vehicles (EVs) and to vehicles participating in a carpool program. Only carpool and EV parking shall be allowed adjacent to buildings in spots not designated for disabled persons. Spots designated for disabled persons shall not be restricted to particular vehicle types.

*Developer commitment: Parking preference and priority will be given to high occupancy vehicles (HOV) and electric vehicles (EV). Aside from handicap parking, only HOV and EV parking shall be allowed adjacent to buildings. All stalls designated for EV will have charging stations pre-installed.*

- All stalls designated for EVs shall have charging stations pre-installed. Stations shall include a mix of free Level 1 charging and paid Level 2 charging.
- All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows. This infrastructure will include electrical panels, conduit/raceways, overprotection devices, wires, and pull boxes and will be designed to support vehicle-grid integration. On-site demand for EV charging shall be reported in each year's Annual Report.

**Note: Yes, the requirement for all stalls to be EV-ready goes beyond current City Code, but the Developer has indicated that this is agreeable through their Guiding Principles. EV-ready infrastructure will be critical as EV-adoption grows. The cost barrier for installing after parking lots are paved and trees are established may result in EV charging demand at the site to outpace available charging stalls.**

*Developer commitment: All commercial parking areas will be designed with infrastructure to allow for the installation of EV charging stations.*

- All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall. Townhomes, if built to accommodate two vehicles, will be prewired to allow for the installation of a second charger.
- **Note: Yes, the requirement for all multi-family stalls to have EV charging goes beyond current City Code, but the Developer has indicated that this is agreeable through their Guiding Principles. I don't believe that this condition should change to match current City code, but at the very least each stall should contain EV-ready infrastructure. The cost barrier for installing after parking lots are paved and trees are established may result in EV charging demand at the site to outpace available charging stalls.**

*Developer Commitment: Same*

- All commercial parking for non-electric SOVs shall be paid parking. To encourage occasional bus use, no discounts for monthly parking versus daily parking will be allowed.

**Note: Market analysis has not been completed to support the City's comment that paid parking for commercial cannot be implemented at this site. Only market analysis for Downtown was completed. As a UC Davis employee, I can attest to the fact that paid parking discourages my use of a vehicle and motivates daily use of bike or bus to travel to campus. Paid parking also serves to reduce the cost increase per trip for using transit such as the Capital Corridor.**

- The Project shall be exempt from parking minimums otherwise required by the City for new development. Specifically, the minimum number of parking spots necessary for the Project shall be informed by the Project's TDM plan rather than general minimum parking requirements.

**Note: The City has indicated in their Baseline Project features a parking maximum but no exemption from parking minimums required by City Code.**

### Landscaping and Water Conservation

To reduce Project demand on groundwater and potable water and to provide appropriate habitat for native species, the developer shall commit to the following measures:



- All Project landscaping shall be adapted for climate change, drought resistant, pollinator friendly, and maintained organically.
- Native and drought-tolerant plants shall predominate the plant palette. A diversity of native habitats— including but not limited to riparian and California oak savanna—shall be maintained throughout the Project site, primarily but not exclusively within the agricultural buffer and along the drainage channel.

*Developer commitment: same*

- Turf shall be used only in areas (such as “The Oval” or organized sports fields) programmed for activities that require turf.

**Note: Change in NRC language to remove “strongly discourage” and make feature more enforceable, in response to City staff comment.**

*Developer Commitment: Turf will be strongly discouraged and utilized only in areas programmed for activities such as the Oval.*

- The Developer shall engage with the Center for Land Based Learning, the UC Davis Arboretum, or other local expert(s) to design and manage its open and landscaped buffer areas. Landscape plans shall be subject to City review, including review by the Open Space and Habitat Commission and the Tree Commission.

*Developer commitment: same*

- Consistent with the City’s stormwater permit and regulations, stormwater runoff shall be captured, conveyed, and detained onsite in a series of bioretention facilities and similar devices intended to filter the runoff, maximize groundwater recharge, and provide deep watering for onsite vegetation.

*Developer commitment: All runoff will be captured, conveyed and detained onsite in a series of bioswales intended to filtrate and clean the run-off and maximize groundwater recharge.*

- To prevent flooding of the channel, stormwater flows shall be retained onsite using swales, ponds, or other appropriate facilities, consistent with City stormwater regulations and system capacity. Stormwater facilities necessary to meet these regulations must be located on-site or on another privately-owned property incorporated within City boundaries. The stormwater facilities should be sized following a joint hydrological investigation with the City.

**Note: Changes to the NRC language since first submittal and response by City in staff report. The Project should not contribute flows to the Howatt property beyond what is already contributed by the undeveloped site. Additional property that is downstream of the DISC site could be purchased by the developer and annexed for use for the site’s stormwater retention.**

- The Developer shall install infrastructure suitable for conveying non-potable water to meet all landscape irrigation demands. The Developer shall convert this system to reclaimed/greywater water if and when such service is made available.

**Note: The distinction between “purple pipe” and infrastructure for reclaimed/greywater is important. Recycled water is unlikely to be provided by the City to the site, due to affordability assessed by the City in their 2018 Recycled Water Master Plan. Reclaimed/greywater may be available from the Project itself.**

*Developer commitment: Developer will install recycled “purple pipe” infrastructure which will convey non-potable water for use in all landscaping. Developer will convert this system to reclaimed water if and when such service is made available.*

- All greywater shall be reused onsite where practical and permissible. The Developer shall install infrastructure (including two-way valves and piping) to support use of greywater from laundry facilities in all townhomes. The Developer shall also identify opportunities for using greywater in multi-family housing and commercial buildings, and shall install infrastructure needed to pursue such opportunities. The MOA shall review proposed uses of greywater to prevent pollution. The MOA may require owners to revisit/update proposed plans for greywater reuse in the future, and may require installation of additional infrastructure as appropriate.

**Note language requiring greywater only where “practical and permissible”. Clearly not all greywater can be reused in an economical method, especially without knowing the nature of the commercial activity on the site. But where it can be reused, it should be.**

## Housing

Housing is included in the Project to maximize environmental benefits of mixed-use development. Specifically, including housing alongside commercial buildings and workplaces encourages walking and biking as commuting options, reduces air-quality impacts, and reduces the Project's overall carbon footprint. To further increase the sustainability benefits of onsite housing, the Developer shall commit to the following:

- All Project housing shall be medium- and high-density, incorporating 15–50 units per acre. No single-family detached housing shall be permitted.

*Developer commitment: same*

- Housing shall be designed to meet the housing needs of the anticipated Project workforce and shall not resemble student-oriented housing found elsewhere in the City. No unit shall include more than three bedrooms. No rental apartment shall include more two bedrooms.

*Developer commitment: same, except clarification of "Project workforce" by NRC*

- Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space<sup>1</sup>. This linkage will correlate the availability of housing with the creation of jobs which will maximize ARC employee occupancy of the housing.

*Developer commitment: same, except change to ratio of 1 unit per 2,000 square feet (see footnote)*

- To provide an opportunity for a car-free lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.

*Developer commitment: Parking associated with multifamily housing will be unbundled, providing an opportunity for a car-free lifestyle.*

- To minimize transportation emissions, the Developer shall strive to maximize the number of Project housing units occupied by individuals working onsite. To this end, the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.

**Note, from the EIR: "the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units; if at least 60% of the Units are occupied by an Employee of the Project." This baseline feature strives to develop the legally enforceable method through which housing will be occupied by Project employees. Before rejecting, a market analysis should be completed and made public.**

## Recycling and Waste Disposal

- All buildings and facilities shall participate in a mandatory, site-wide recycling and compost program to be managed by the MOA. Building maintenance staff will be trained in best practices for maximizing commercial recycling.

*Developer commitment: Same, except for addition of compost program by NRC.*

- All common areas that include disposal options managed by the MOA shall include solid-waste disposal cans, recycling cans, and compost bins.

*Developer commitment: same*

## Transportation Demand Management

The Project will need to implement a comprehensive set of design features and Transportation Demand Management (TDM) strategies intended to reduce vehicle trips and vehicle miles traveled (and therefore greenhouse gas emissions), encourage the use of alternative transportation modes such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling, and provide safe infrastructure

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<sup>1</sup> The ratio of one dwelling unit per 3,000 square feet is different ratio than the Developer-proposed one dwelling unit per 2,000 square feet. This directly ties housing to the proposed square footage in each phase of the ARC development, to ensure that housing growth is better matched with job growth at the site.

for bicyclists and pedestrians. The desired outcomes of a TDM Plan shall be to reduce greenhouse gas (GHG) emissions and transportation total carbon footprint through a reduction of the Project's vehicle miles traveled (VMT). A key strategy should be shifting away from single occupancy vehicle (SOV) use by incentivizing a mode shift to walking, bicycling, public transit, private transit, and/or 3+ carpool.

- A designated TDM manager shall be identified for the Project. The TDM manager shall represent the Developer, MOA, or other equivalent Project-related body, and shall report directly to the City.

*Developer Commitment: Developer will adopt and implement a Transportation Demand Management (TDM) Plan with a designated TDM manager that reports directly to the City.*

- Prior to, or concurrent with, adoption of Final Development Agreement, the Developer shall create a TDM plan that includes quantitative goals and temporal benchmarks for shifting away from single-/low occupancy vehicle use. The TDM plan shall also include metrics for assessing progress towards these goals and benchmarks. Responsibility for this task shall reside with the designated TDM manager.
- The TDM plan shall include actions that will result in a reduction of GHG emissions consistent with the City's then current Climate Action and Adaptation Plan (CAAP) and the goal of the City Council to achieve carbon neutrality by 2040. Subsequent phases of the Project shall not be permitted for construction unless the GHG-driven benchmarks for the previous phase of the Project are met.
- The TDM manager shall coordinate implementation of the Project's TDM strategies with UC Davis to ensure that relevant efforts by both parties are aligned and allow for cooperative ventures where appropriate.
- An additional goal of the TDM program shall be mitigation of daily traffic congestion generated by the project by reducing daily SOV trips by at least 33% compared to the business-as-usual (unmitigated) scenario predictions in the SEIR. In other words, at full buildout the project must generate fewer than 16,000 SOV trips per day (compared to the 24,000 trips predicted in the SEIR). This reduction requirement is to be applied incrementally at each phase of the Project. If daily SOV trips for each phase are not 33% lower than the business-as-usual (unmitigated) projections in the SEIR, then construction of the next phase shall not be permitted.
- Prior to the commencement of construction of each phase of the Project, the Developer/MOA shall commission a traffic study which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary beyond those specified later in this document. This analysis will also inform the City on mode share and the potential need for increased public transit services.

*Developer Commitment: Prior to the commencement of construction of each phase, a traffic study shall be prepared which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary to accommodate each phase of development. This will also serve to inform the City on mode share and to trigger the need for increased transit services.*

- The Developer/MOA shall review and update the TDM Plan every 2 years. The TDM Plan update shall include results of a travel behaviors survey, to be completed annually by the Developer/MOA. The annual survey shall include the travel behaviors of Project residents and employees (e.g., where employees live and by what mode they get to and from work; where residents work and by what mode they get to and from home). The updated TDM Plan, including survey results, shall be made publicly available.
- Prior to Phase 1, the Developer and the City shall agree upon a process for monitoring and evaluating TDM goals on an annual basis, modeled on the process detailed in the Nishi Gateway Project Sustainability Implementation Plan (2015). This monitoring and evaluation process will include an Annual Report, to be transmitted to the City, which details progress towards the actions outlined in the TDM plan and specification of actions required when TDM goals are not met. *(It should be noted that vehicle trip monitoring in the Nishi SIP is a surrogate for transportation GHG emissions, while modeling to estimate actual GHG emissions is preferred for DISC.)*

The Project shall include the following features, in addition to features identified by the TDM Plan, to encourage a shift to alternative transportation modes, such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling:

- The Project shall be designed to accommodate and incentivize private transit, local transit (Unitrans), and regional transit (Yolobus) through the following measures:
  - The Project shall include a central transit plaza to serve as the hub for a variety of mode shares.
 

*Developer Commitment: The Project shall be designed to accommodate internal, local and regional transit. It will include a centralized multi-use pedestrian plaza, which will serve as a designated connection point for multi-modal transportation including corporate shuttles with connection to Amtrak, future on-site shuttles, and micromobility alternatives (e.g. bike-, skateboard-, and scooter-share services). It is anticipated that, when the Project reaches critical mass, local and regional bus service may also choose to provide direct bus service to the plaza, therefore the plaza will be designed to accommodate this mode share as well.*
  - The Project shall include transit stops located throughout site to ease pedestrian access such that no transit stop is further than 400 meters from any occupied building.
  - The Developer shall petition Yolobus and Unitrans to increase the frequency and capacity of bus service to the central transit plaza as the Project develops. The Developer shall provide funding, if necessary, to the transit services to implement the change.
  - Phase 2 cannot commence until after the implementation of an on-demand electric transit to and from UCD and scheduled electric transit to and from the Amtrak/Capital Corridor station running weekdays including the AM to PM peak commute periods.
 

*Developer Commitment: At Phase 1, Developer will participate in and contribute toward an electric shuttle service running weekdays from the AM to PM peaks, connecting commuters from ARC and 2nd Street to UC Davis and the Amtrak station.*
  - To promote transit use, the MOA shall provide upon request free passes for local and regional transit service (e.g., a unlimited access pass similar to Yolobus and Unitrans' pass for UC Davis undergraduates) to the Project's residents and employees.
- The Project shall include parking to accommodate single-occupancy vehicles (SOVs) and carpool vehicles while also incentivizing other modes of transportation:
  - As part of the TDM plan, the Developer will determine the appropriate number of parking stalls, which may be fewer than City parking minimums. Commercial parking requirements shall be determined by the TDM plan. For residential development no more than one stall per residential unit shall be provided onsite.
  - All employers shall create through the MOA or participate in a regional carpool program that is modeled after and functionally equivalent to the UC Davis goClub carpool program. The program shall be open to all Project residents and employees.
  - Carshare and preferential carpool spaces shall be provided, with the number of appropriate stalls to be specified in the TDM plan.
  - Parking costs shall be unbundled from the cost of other goods and services. A separate fee shall be charged for all parking spaces (commercial and residential).
  - Parking cash-out programs shall be offered by any employer who provides a parking subsidy to employees, to give employees who do not drive a cash benefit equivalent to the value of the offered parking subsidy. The MOA shall be in charge of ensuring that employers comply with this program and shall record participation in the Annual Report.
- The Developer shall provide bicycle facilities and infrastructure comparable to the City's Platinum-level Bicycle Friendly Community Certification to support bicycling within and to the site, including the following features:
  - Provide short term bicycle parking, as required by Davis Municipal Code.
 

*Developer Commitment: Developer will provide for bicycle parking spots, as is required by Davis Municipal Code 40.25A. Developer estimates that the total bicycle parking spots within the Project will range from 2,000-2,150 spots.*
  - Provide end-of-commute facilities (showers, lockers, changing rooms) and support electric bicycle charging in all commercial buildings.

- Provide covered and secured long-term bicycle parking at central locations within the site and at the central transit hub.
- Provide community bicycle repair facilities.
- The MOA shall implement a bicycle share program including electric-assist bicycles for employees and residents to use on and off the Project site.
- A bicycle network of Class IV protected cycle tracks shall connect bicyclists to all areas of the site and all key connecting streets/facilities.
- The Developer shall provide accessible sidewalks that facilitate pedestrian access within and to the site, including the following features:
  - All pedestrian access routes shall be readily accessible by all users, particularly individuals with disabilities. Street design should emphasize universal design through use of appropriate width, grade, surface material, tactile cues, audible cues, and push buttons. The Developer shall reference the United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), or other appropriate reference.

### Site Access and Traffic Mitigation Features

The follow measures are recommended to improve site access and mitigate traffic impacts of the Project. The Developer shall fund infrastructure to mitigate traffic problems attributable to the project either wholly, where the problem is mainly caused by the Project, or proportionately, for traffic improvement measures where the Project is a partial contributor to the problem. The intent is to avoid subsidization of the Project by the City providing funding for traffic mitigation measures.

As described below, City approvals will not be granted for different phases of the Project until public and private funding are budgeted and available, and regulatory approvals have been granted. In other words, all obstacles to the start of construction have been removed.

In general, the base conditions will include at a minimum the construction or implementation of all the mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis, including the “Potential Operational Enhancements” identified in the Traffic Study. Specific projects are highlighted below, but this should not be taken as a comprehensive list. The Developer may propose alternative projects to the City, but these will not be approved unless the Developer can demonstrate that the alternative achieves equal or better site access and/or traffic mitigation without causing other problems.

The desired outcomes of site-access measures are reduction of the Project’s vehicle miles traveled (VMT) through improvements for bicycle, pedestrian, and transit access to the Project site.

- Phase 1 Site Access
  - The Developer shall provide sites for bus stop relocation for Yolobus and Unitrans along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are allowed by the transit agencies.
 

*Developer Commitment: Developer will work with Yolobus and Unitrans to maximize transit ridership with an objective to increase the frequency and capacity of bus service as the Project develops. Developer commits to provide sites for bus stop relocation along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are desired by the transit agencies.*
  - The Developer shall fully fund construction of a new grade-separated bicycle and pedestrian crossing of Mace Boulevard, located near Alhambra Drive.
  - The Developer shall contribute funding to construction of a new Class IV bicycle path and separated pedestrian path on the inside of the Mace Curve between the new grade-separated bicycle and pedestrian crossing (see previous bullet) and Harper Junior High School. Such funding shall be proportional to the use of this facility by Project residents and employees.
  - The Developer shall contribute funding to construction of improved pedestrian and bicycle connections for both north-bound and south-bound pedestrian and bicycle traffic on the Mace Blvd/I-80 overpass and continuing to the Project site. Such funding shall be proportional to the use of this facility by Project residents and employees.
- Phase 2 Site Access

- The Developer shall petition to reroute Unitrans and Yolobus service off Mace Blvd. and to the central transit plaza and through the Project site. If necessary, the Developer will provide funding to the transit services to implement this change.

The desired outcomes of traffic-mitigation measures are to reduce the transportation total carbon footprint and adverse level of service (LOS) traffic impacts on roads in the Project vicinity, including Mace Boulevard, Covell Boulevard, and I-80.

- Phase 1 Traffic Mitigation
  - Phase 1 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for construction or implementation of all other mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis.
  - The Developer shall contribute funding to the City to study and implement bus rapid (BRT) transit strategies, including a bus signal preemption system on Mace Boulevard and Covell Boulevard for freeway access or local traffic bypass.
- Phase 2 Traffic Mitigation
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for a rush-hour bus and 3+ high occupancy vehicle (HOV) lane and class IV bicycle path on the frontage road north of I-80 (county road 32) to allow traffic to bypass the Mace Blvd east bound on-ramps and west bound off-ramps to I-80.
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for the construction of bus/3+ HOV lanes on I-80 west of causeway between Richards Blvd and the Yolo Causeway.
- Phase 3 Traffic Mitigation
  - Phase 3 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for adding bus/3+ HOV lanes eastbound and westbound on the Yolo Causeway (I-80).

*Developer Commitment: Developer will participate in and support Caltrans-led efforts to add HOV lanes on I-80 from West Sacramento to Davis.*

### Mitigation Measures

The project shall comply with and ensure public or private funding and completion within a two-year period for all Mitigation Measures identified in the Approved Mitigation, Monitoring, and Reporting Plan.

*Developer Commitment: The Project shall comply with Mitigation Measures identified in the Approved Mitigation Monitoring Reporting Plan.*

### Implementation

Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at the DISC, a Sustainability Implementation Plan shall be developed and implemented to ensure compliance with the Environmental Sustainability Baseline Features to the satisfaction of the City.

*Developer Commitment: Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at ARC, a Sustainability Implementation Plan shall ensure compliance with these Sustainability Guiding Principles to the satisfaction of the City.*



## ENVIRONMENTAL SUSTAINABILITY GUIDING PRINCIPLES

In recognition of the City’s declaration of a climate emergency (RESOLUTION 19-023), the Developer and the City have agreed to the following Sustainability Guiding Principles for the Aggie Research Campus (“Project”). These Guiding Principles are a means for mandating, implementing and maintaining Project features that are designed to address and mitigate identified environmental concerns, including but not limited to impacts to global climate change, and to ensure sustainability for the life of the Project. **Future development at ARC will demonstrate compliance with these Principles through sustainability implementation plans.**

### **Measurement and Verification**

Critical to the success of the Aggie Research Campus is its ability to demonstrate continuous advancements in site sustainability during buildout and into campus operations. Many of the Sustainability Guiding Principles are designed to gradually increase site sustainability and further reduce Project impacts over time, such as improved air quality, reduced carbon emissions, greater electrical efficiency and reduced single-occupancy vehicle travel. These Guiding Principles will work in tandem with Project mitigation measures to reduce Project-related environmental impacts. To ensure accurate tracking and reporting, Developer will establish a Master Owners Association which reports to the City and is responsible for measurement, verification and compliance with Project sustainability obligations and mitigation measures.

### **Building Standards**

The Project shall meet and exceed Title 24, Cal Green Tier 1 and will utilize the City of Davis’ Residential Energy Reach Code standards<sup>1</sup>. **The Reach Code aims to promote energy efficiency within the City of Davis through the use of energy-efficient building standards and is intended to ensure LEED Gold equivalency or better.**<sup>2</sup>

### **Energy Efficiency and Usage**

The Developer is committed to maximizing clean energy production onsite and to implementing a program within the Project to ensure that all structures consume 100 percent renewable electricity. In furtherance of this pledge, the Developer commits as follows:

- **Buildings shall be designed to incorporate passive heating and cooling so as to reduce overall energy demands.**
- **To achieve a Project that is fueled by 100% clean energy, Developer commits all structures, residential and non-residential, to purchase power from solely renewable sources such as**

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<sup>1</sup> The Reach Code was intended, among other things, to remove uncertainty around green building requirements for projects seeking discretionary entitlements. The Staff Report submitted to the City Council stated that the Ordinance would, in fact, “save time for the applicant, staff, and the Natural Resources Commission as project specific energy efficiency requirements will no longer need to be reviewed on an individual project basis.” (Staff Report to City Council, April 9, 2019, Page 1).

<sup>2</sup> See Staff Report to City Council, April 9, 2019, Page 2.

Valley Clean Energy's "UltraGreen" 100% renewable program or its equivalent, to offset any electric deficit.

- To maximize and optimize onsite solar energy generation, and future clean energy use, by mandating photovoltaics, or future comparable technology, on every conducive structure and in parking areas to the greatest extent practicable.
- Project will enter into a power purchase agreement with Valley Clean Energy (or another electric utility company under reasonable economic terms) to which it will sell and distribute all electricity generated onsite. This arrangement will ensure that all power generated onsite which is not used onsite is utilized locally.
- All onsite residential units will be all-electric and not include natural gas.
- Achieve net zero for outdoor lighting through the use of onsite photovoltaics or similar technology.

### **Transportation Demand Management Plan**

The Project shall implement a Transportation Demand Management Plan (TDM plan) with measurable results to promote a shift away from single occupancy vehicle (SOV) use and incentivize a mode shift to bicycling, public transit, private transit, or carpool and to determine which traffic mitigations are needed at each phase of Project development. As discussed in the Subsequent EIR and imposed through mitigation measures 3-72(a)&(b), prior to, or concurrent with, adoption of the Final Planned Development, Developer shall finalize a TDM plan acceptable to the City which shall include, in part, the following:

- Developer will adopt and implement a Transportation Demand Management (TDM) Plan with a designated TDM manager that reports directly to the City.
- Prior to the commencement of construction of each phase, a traffic study shall be prepared which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary to accommodate each phase of development. This will also serve to inform the City on mode share and to trigger the need for increased transit services.
- Developer will work with YoloBus and Unitrans to maximize transit ridership with an objective to increase the frequency and capacity of bus service as the Project develops. Developer commits to provide sites for bus stop relocation along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are desired by the transit agencies.
- Developer commits to reserve land along its Mace Boulevard frontage for expansion of the right-of-way to accommodate future transportation needs, which may include bus rapid transit, as determined by the City.
- The Project shall be designed to accommodate internal, local and regional transit. It will include a centralized multi-use pedestrian plaza, which will serve as a designated connection point for multi-modal transportation including corporate shuttles with connection to Amtrak, future on-site shuttles, and micromobility alternatives (e.g. bike-, skateboard-, and scooter-share services). It is anticipated that, when the Project reaches critical mass, local and regional bus service may also choose to provide direct bus service to the plaza, therefore the plaza will be designed to accommodate this mode share as well.



- Developer will provide for bicycle parking spots, as is required by Davis Municipal Code 40.25A. Developer estimates that the total bicycle parking spots within the Project will range from 2,000-2,150 spots.<sup>3</sup>
- At Phase 1, Developer will participate in and contribute toward an electric shuttle service running weekdays from the AM to PM peaks, connecting commuters from ARC and 2<sup>nd</sup> Street to UC Davis and the Amtrak station.
- ~~Developer will continue its relationship with Yolobus and Unitrans, both of which have bus service contiguous to the site, and work to increase the frequency and capacity of bus service as the Project develops. Prior to the commencement of Phase 3, Developer will petition to reroute Unitrans and Yolobus service into and through the Project site's transit plaza.~~
- Developer will participate in and support Caltrans-led efforts to add HOV lanes on I-80 from West Sacramento to Davis.

### **Parking Lots and Internal Streets**

To further incentivize a mode shift towards bicycling, public transit, private transit, or carpool, to reduce the heat island effect, and to reduce visual and aesthetic impacts, Developer shall implement the following features in its parking areas and/or along the Project's internal roadway system:

- All streets and surface-level parking shall utilize low-impact development (LID) features, such as bioswales, to capture and filter runoff and to maximize groundwater recharge. Piping of runoff will be discouraged and only utilized when necessary.
- All parking surfaces or street-adjacent sidewalks utilizing tree shading shall use structured soil or suspended substrate to allow successful tree root development. Developer shall size pavement treatment area to accommodate the tree varietal's intended tree size.
- Landscaping shall provide 80% shading of pedestrian walkways and off-street Class I bike paths. 50% parking lot shading shall be achieved through either shade trees or photovoltaic arrays. These requirements shall be demonstrated at building permit for PV or shall be achieved within 15 years of planting for areas shaded by trees. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied.
- Parking preference and priority will be given to high occupancy vehicles (HOV) and electric vehicles (EV). Aside from handicap parking, only HOV and EV parking shall be allowed adjacent to buildings. All stalls designated for EV will have charging stations pre-installed.
- All commercial parking areas will be designed with infrastructure to allow for the installation of EV charging stations.
- All housing shall include one Level 2 EV charger per unit or, if a multifamily building is parked at a ratio of less than 1:1, one Level 2 EV charger per parking stall. Townhomes, if built to accommodate two vehicles, will be prewired to allow for the installation of a second charger.

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<sup>3</sup> This estimate was calculated using the proposed square feet of the project and applying the Code's relevant requirements for each type of land use: Office (~1000) + Multifamily Housing (~600) + Advanced Manufacturing (~450) + Parks/Open Space (~100).

## **Landscaping, Water Conservation**

To reduce Project demand on groundwater and potable water the Developer commits to the following measures:

- Native and drought tolerant plants shall predominate the plant palette. A diversity of native habitats shall be disbursed and managed throughout the site, primarily within the agricultural buffer and along the channel, including but not limited to riparian and California oak savanna.
- Turf will be strongly discouraged and utilized only in areas programmed for activities such as the Oval.
- Developer shall engage with the Center for Land Based Learning, the Davis Arboretum, or other local expert(s) to design and manage its open and landscaped buffer areas. Landscape plans will be subject to City review, including the Open Space and Habitat Commission and the Tree Commission.
- Developer will install recycled “purple pipe” infrastructure which will convey non-potable water for use in all landscaping. Developer will convert this system to reclaimed water if and when such service is made available.
- All runoff will be captured, conveyed and detained onsite in a series of bioswales intended to filtrate and clean the run-off and maximize groundwater recharge.

## **Recycling and Waste Disposal**

- All buildings and facilities will participate in a mandatory, site-wide, recycling program that will be managed by the Master Owners Association. Building maintenance staff will be trained in best practices for maximizing commercial recycling and will emphasize paper and cardboard recycling.
- All common areas that include disposal options managed by the Master Owners Association will include solid waste disposal cans, recycling cans, and compost bins.

## **Housing**

Housing at ARC is included to maximize the environmental benefits of mixed-use development. The inclusion of housing and an overall complementary mix of uses reduces the number and distance of Project-related vehicular trips, encourages walking and bicycle trips, reduces air quality impacts and reduces the overall carbon footprint of the Project. To further increase the sustainability benefits of onsite housing, the Developer commits as follows:

- Housing will be medium- and high-density with a range of 15-50 units per acre. No single-family detached housing will be permitted.
- Housing will be designed to meet the housing needs of the workforce and will not resemble student-oriented housing found elsewhere in the City. No unit will be greater than three bedrooms. Rental apartments will not exceed two bedrooms.
- Housing construction will be directly linked to the development of commercial space at a ratio of one home per 2,000 square feet of nonresidential space. This linkage will correlate the availability of housing with the creation of jobs which will maximize ARC employee occupancy of the housing.
- Housing will be all-electric and utilize the Residential Energy Reach Code.
- Parking associated with multifamily housing will be unbundled, providing an opportunity for a car-free lifestyle.

### **Mitigation Measures**

The Project shall comply with Mitigation Measures identified in the Approved Mitigation Monitoring Reporting Plan.

### **Implementation**

Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at ARC, a Sustainability Implementation Plan shall ensure compliance with these Sustainability Guiding Principles to the satisfaction of the City.

## **REASONS TO NOT RECOMMEND CERTIFICATION OF THE DAVIS INNOVATION AND SUSTAINABILITY CENTER SEIR**

Comments submitted to the Planning Commission by Alan Pryor

June 9, 2020

Dear Commissioners,

Following are the legal reasons why the SEIR for the DISC project should NOT be recommended by the Planning Commission for certification

### **1. NO MITIGATION WAS PROPOSED FOR THE INCREASED GHG EMISSIONS PRODUCED AS A RESULT OF OCCUPANCY OF PROPOSED HOUSING BY PEOPLE NOT EMPLOYED AT THE BUSINESS PARK**

**Including Unrestricted Occupancy Housing in the Project is NOT the Environmentally Superior Alternative as the Developer has Repeatedly and Falsely Claimed and the Developer has NOT Offered Mitigations for the Increased GHG Emissions and VMT Resulting from this Decision**

All of the original studies done to justify a large-site business park evaluated the site as a business park *only* to maximize the availability of the land space *only* for commercial development. The Developer subsequently included housing as an option in the CEQA analysis for the original MRIC project. The EIR analysis justified including housing in the project because it was the "*Environmentally Superior Alternative*" ostensibly because employees could live and work at the site thus minimizing daily traffic from both residents and employees on the site.

However, the Developer did NOT offer any mechanisms to ensure that a sufficiently large number of residents of the proposed housing would, in fact, work at the business park complex. At that time the City Council made clear they were not interested in approving a business park complex that included housing. The Developer then withdrew their application but subsequently returned to the Council and asked that the EIR be certified so that it could be used to entice potential large tenants to the project. That is, a tenant would be more likely to sign up as a prospective tenant if they knew the EIR was already certified.

The City Council then agreed with this extremely unusual request (i.e. certifying an EIR before an actual definitive project was proposed) but noted that the proposed EIR needed clarification to ensure a sufficient minimum amount of housing was occupied by employees to ensure that the project with housing was, in fact, the environmentally superior alternative. According to the City Council resolution certifying the original EIR for MRIC,

*"WHEREAS, on May 24 and July 19, 2017 the Planning Commission held two duly noticed public meetings to consider certification of the FEIR pursuant to Section 15090 of the State CEQA Guidelines, separate from any deliberation or action on the merits of the project, and voted to recommend certification to the City Council including a clarification to page 7-202 of the Draft*

***EIR that the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units; if at least 60% of the Units are occupied by an Employee of the Project.*** (Emphasis added)

The Developer has since repeatedly claimed that fair Housing Laws prohibit such a restriction on who may live in the housing and has flatly refused to even further consider potential mechanisms to ensure this happens or even to openly discuss the matter. However, the Developer's statements that there are no legal mechanisms to ensure housing is occupied by business park employees is OBJECTIVELY NOT TRUE.

A variety of property master lease options have been employed both by companies in the Bay Area (e.g. Google, Apple, and Facebook) to provide housing to their employees and by UCD in Davis itself to provide student housing. In recognition of this fact, the NRC has proposed as one of the recommended Baseline Features for the project that,

*"To minimize transportation emissions, the Developer shall strive to maximize the number of Project housing units occupied by individuals working onsite. **To this end, the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency.** These requirements shall be dependent upon a minimum firm size, to be designated by the City."* (Emphasis added)

The Developer has rejected that option without discussion and has provided **NO** alternative means of ensuring the project is the Environmentally Superior Alternative. Further, the Developer has **NOT** proposed adequate mitigation for generating the huge amounts of excessive GHGs and VMT resulting from their decision to not adhere to the requirements imposed on the original MRIC EIR, as otherwise required by CEQA. Thus the SEIR is deficient and should not be recommended for certification.

## **2. INCOMPLETE ANALYSIS OF POTENTIAL URBAN DECAY WAS PERFORMED AND NO MONITORING OR MITIGATION WAS PROPOSED TO OFFSET POTENTIAL ADVERSE IMPACTS ON PREEXISTING BUSINESSES IN DAVIS DUE TO ADMITTEDLY LIKELY CANNABILIZATION BY THE PROJECT.**

**Despite admitting that the DISC project could result in significant vacancies in other Davis real estate properties as a result of the project, the Developer has NOT sufficiently and quantitatively analyzed these adverse impacts particularly in non-R&D commercial space (i.e. Retail and Office) as otherwise required by law. NOR has the Developer offered any monitoring or mitigations to identify and offset impacts should such urban decay impacts occur as otherwise required by law.**

Firstly, the SEIR has only looked at the potential for urban day in R&D facilities in Davis and not the adverse impacts that may arise on preexisting office and retail space.

*"As discussed in the EIR (pg. 4.10-32), given the long time horizon associated with project build-out, there is no knowing how many tenants and the associated amount of additional existing space that could be at risk of potential innovation type space relocation.*

*In all likelihood it would be confined to the City's existing innovation sector tenants, as these are the type of tenants to which the project R&D/technology-oriented uses will be targeted. " (emphasis added)*

This statement is not supported by the facts. In addition to the 755,000 of R&D/Flex space, the DISC project also includes upwards of 755,000 of office space proposed for the project and 100,000 sq ft of retail. In reality, it is very likely these two sectors (office space and retail) that will be most affected by the project especially given the recent impacts of the COVID pandemic. Office space will be dramatically impacted because of the massive move towards remote-telecommuting that will substantially impact office absorption rates if cannibalization occurs by DISC. Similarly, retail establishments are already reeling from the impacts of the COVID pandemic and will likely suffer even more if the 100,000 sq ft of retail space cannibalizes downtown retail vendors. These overall impacts on office and retail (and not just R&D space) are not analyzed nor is any monitoring and mitigation proposed (as is the case for the hotel project on site). The SEIR is therefore deficient in terms of a complete analysis of urban decay as a matter of law and should NOT be recommended for certification.

Even in their cursory and anecdotal analysis of the impacts on retail or office space, the SEIR has merely stated that the project may result in vacancies but these do not necessarily constitute urban decay as long as the buildings that are vacated are adequately maintained.

*"physical deterioration of [a] downtown area" or "a general deterioration of [a] downtown area...When looking at the phenomenon of urban decay, it is also helpful to note economic impacts that do not constitute urban decay. For example, **a vacant building is not urban decay, even if the building were to be vacant over a relatively long time. Similarly, in the context of retail development, even a number of empty storefronts would not constitute urban decay.**" (emphasis added)*

The SEIR further adds that that we should not even worry about such vacant space because even if the commercial space does remain vacant for extended periods of time, it will "probably" be maintained because the property owners are rich enough to maintain the properties over extended periods

*"regardless of the amount of space, some increment of existing office and industrial space is at risk of sustained vacancy following development of the ARC Project. The vacancies would remain sustained until such time as yet additional demand was generated due to economic growth and expansion.... many of the office and industrial properties in Davis are owned by major institutional and private real estate companies, with the financial wherewithal to provide them with the option of withstanding prolonged vacancy and funding the maintenance necessary for upkeep even during times of vacancy."*

This is an unproven assumption and speculative and belies conventional economic theory that suggests that prolonged vacancies do, in fact, lead to deterioration of urban properties. The CEQA analysis is thus incomplete without a quantitative assessment of this potential impact of prolonged vacancies.

In any event, the CEQA analysis is also incomplete because there is no urban decay monitoring or mitigation program proposed or in place to analyze and respond to urban decays should it occur as required for piecemeal developments of this type. A recent appellate court decision concerning the Crossroads Retail Complex in Woodland (California Clean Energy Committee v. City of Woodland, 225 Cal.App.4th 173 (2014)) reaffirmed that such a robust monitoring and mitigation plan must be included in the CEQA analysis for that retail project due to potential for urban decay impacts on downtown Woodland.

### **3. INADEQUATE ANALYSIS HAS BEEN PERFORMED ON THE IMPACTS ON THE SOIL AND THE FARMABILITY OF THE DETENTION BASIN AT HOWETT RANCH AS A RESULT OF SOIL COMPACTION AND SALT AND CONTAMINANT BUILDUP**

**The Development has not adequately assessed the potential for adverse impacts that massive removal and relocation of 166,000 cubic yards of soil will have on the farmability of the 100 acres on Howett Ranch that may be used for fill at the site. Nor has an analysis been done on the impacts on the soil that annual accumulation and seepage or evaporation of millions of gallons of water will have on the soil as a result of using the resultant pond as a detention basin.**

The SEIR claims that this is only one of the options proposed for disposing of excess water runoff from the project and thus minimizes the need for such a thorough analysis. That is NOT true. If the detention basin is ever created and used in the future for such a purpose then these impacts must be analyzed now in the SEIR.

For instance, just the process of the massive earth removal and restructuring of the soil will have a tremendous impact on the permeability of the soil (and thus its use as a growing substrate for farming) due to the compaction of the soil that will be unavoidable as a result of tens of thousands of earth-mover and truck trips moving on the soil to the remove the topsoil, store it onsite, remove the subsoil, move it to the project side, place the topsoil back onto the surface of the excavated basin, and then leveling it as proposed in the SEIR. A complete geotechnical analysis of the impacts of such compactions resulting from these extreme movements of soil must be quantitatively studied and analyzed in the SEIR by a qualified and licensed geotechnical engineer as a matter of law.

Additionally, the project is proposing to convey tens of millions of gallons of additional runoff from the project to the site which will result in accumulation and evaporation leaving behind potentially hundreds of thousands of pounds of salts and greases and oils in the detention basin which could accumulate over time and render the soil completely unsuitable for future farming application. These contamination impacts must be quantitatively analyzed by a qualified soil scientist and mitigations proposed in the SEIR as a matter of law.

### **4. INSUFFICIENT ANALYSIS OF BIOLOGICAL RESOURCES OF THE PROJECT SITE HAS BEEN PERFORMED AND THE SEIR HAS FAILED TO ANALYZE POTENTIAL AVAIAN MORTALITY AS A RESULT OF THE SOLAR COLLECTOR ARRAYS AT THE PROJECT**

**The SEIR has failed to properly analyze biological resources at the project site and identify impacts on avian mortality by the solar collector arrays was clearly noted by the comments by Shawn Smallwood that have been presented to staff under separate cover.**

In the event these rebuttal comments were not forwarded to you by Staff (because they were addressed to Sheri Metzker rather than the PC), I am attaching Mr. Smallwood's comments to my own. In these rebuttal comments to the SEIR responses to Mr. Smallwood's original comments, Mr. Smallwood again notes that there are numerous errors in the Draft SEIR in which inaccurate detection and insufficient analysis of biological resources on the project site were noted due to 1) non-detection of listed species during site surveys, 2) failure to investigate appropriate databases for additional sightings, and 3) surveys performed during the wrong time of the year for the indicated species.

I note that the responses to Mr. Smallwood's original comment letter he submitted in response to the Draft SEIR were generally demeaning and inferred that Mr. Smallwood did not have the requisite expertise to evaluate the original site surveys reported in the Draft SEIR or that he was falsifying his own observations merely because they did not confirm the findings in the Draft SEIR. Mr. Smallwood's expertise and credential are beyond reproach and he is a recognized expert in his field with papers and citations to his credit that dwarfs the credentials of the firm performing the survey services for the SEIR.

With respect to the adequacy of the SEIR in fulfilling the legal requirements of CEQA, I note that even though the SEIR indicated mitigations could be satisfied by contributions by the Developer to the Yolo Co. HCP, that does NOT mean that a full and accurate assessment and analysis of the biological resources are not demanded by CEQA as a matter of law. As clearly noted by Mr. Smallwood, this requirement for complete analysis is not satisfied in the SEIR and the SEIR is deficient in this regard.

Additionally Mr. Smallwood noted that the potential adverse impacts of many acres of solar collectors on the site on the resident or migratory avian population on the site were not investigated or analyzed at all in the SEIR. The potential for such "taking" (killing) of birds, particularly the listed species determined by Mr Smallwood to frequent the site, by the solar collector arrays must be analyzed and mitigations proposed in the SEIR as a matter of law.

In summary, this SEIR does not comply with disclosure requirements of CEQA with respect to:

1. No mitigation was proposed for the increased GHG emissions produced as a result of occupancy of proposed housing by people not employed at the business park
2. Incomplete analysis of potential urban decay was performed and no monitoring or mitigation was proposed to offset potential adverse impacts on preexisting businesses in Davis due to admittedly likely cannibalization by the project.
3. Inadequate analysis has been performed on the impacts on the soil and the farmability of the detention basin at Howett ranch as a result of soil compaction and salt and contaminant buildup, and



4. Insufficient analysis of biological resources of the project site has been performed and the SEIR has failed to analyze potential avian mortality as a result of the solar collector arrays at the project

As a result, I strongly urge you to NOT recommend certification of the SEIR to Council.

Respectfully submitted,

Alan Pryor

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8 June 2020

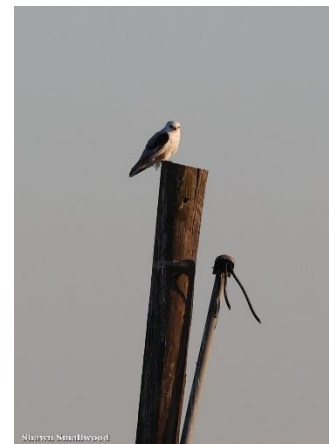
**Re: Aggie Research Campus**

Dear Ms. Metzger,

I write to comment on the City's responses to my comment on the SEIR prepared for Aggie Research Campus, which I understand is now named something else.

**72-2** According to the response, Sycamore failed to detect white-tailed kites on the project site during multiple visits, implying that I did not see white-tailed kites on site as I testified. This finding reflects on Sycamore, but not my observations. The photo that appears in my comment letter was of a white-tailed kite on the project site. That this kite was on the site is further evidenced by the GPS coordinates recorded by my camera and automatically assigned to the photo. I possess additional photos of white-tailed kites on the site, such as Photo 1, where the kite is perched on a pole that is readily recognizable as a pole that occurs on the project site.

**Photo 1.** Another photo of a white-tailed kite on the project site. The pole used as a perch is readily identifiable as the pole that appears just southeast of County Road 30B where it intersects Mace Blvd.



The response points out that I did not report the locations of white-tailed kite nests. This is true, and I will not report them still. I will not publicly disclose nest sites of a special-status species. But I will point out that one nest site occurs on the project site.

The response points out that white-tailed kite nests are not reported on eBird. This is also true, and I am thankful for the good judgement of eBird participants who refrain from reporting nest site locations of special-status species. Absence of nest site records on eBird cannot be interpreted as lack of nesting, but rather of good judgement of participants.

The response points out that CNDDDB records do not exist of white-tailed kite nests near the project site, except for one older nest site 1.4 miles away. I have not reported my observations to CNDDDB because my surveys are ongoing. But my own observations aside, lack of CNDDDB records does not mean a species is absent from a site. Consulting CNDDDB is fine for confirming presence of a species, but it is inappropriate for determining absence. CNDDDB relies on voluntary reporting, but not on scientific sampling or access to all properties. The limitations of CNDDDB are well-known, and summarized by CDFW in a warning presented on its CNDDDB web site (<https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>): *“We work very hard to keep the CNDDDB and the Spotted Owl Database as current and up-to-date as possible given our capabilities and resources. However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers...”* Lack of CNDDDB records does not support responder’s argument.

Since the time of my comment letter, I confirmed white-tailed kite nests located within the Biological Study Area (BSA) and 1,800 m from the BSA. A third nest is within 800 m, and a fourth is about 2,540 m distant, but I have yet to confirm the sites of these latter two nests. I have seen generally where the kites are going after foraging on the project site, but I have not yet pinpointed the nest sites of these latter 2 kite nests.

The response also asserts that white-tailed kites are predators of burrowing owls, perhaps implying that even if white-tailed kites use the project site, their occurrences there diminish the site’s habitat value to burrowing owls. I have never seen a white-tailed kite pursue or capture a burrowing owl, nor have I seen any reports of such predation. Furthermore, during several decades of working on burrowing owls, I have witnessed only two successful predatory attacks by raptors on burrowing owls, one involving a red-tailed hawk and the other a peregrine falcon. White-tailed kites do not lessen habitat suitability to burrowing owls, which is in fact proven by the co-occurrence of these species at the project site.

**72-3** The response is outdated regarding occurrences of burrowing owls at and near the project site. Nest attempts failed along CR 30B. As far as I am aware, only one pair remains in the project area, and it has produced chicks. A colleague and I have since found two nest sites far south of Davis. But around Davis, this pair next to the project site appears to be the last remaining breeding pair. The project would take the primary foraging habitat of this last pair of burrowing owls. It is hard to believe the Yolo County HCP would be capable of mitigating the loss of the last of the burrowing owls within the Davis Sphere of Influence. Would the Yolo County HCP import burrowing owls from elsewhere?

If importation was to be the plan of the HCP, then the challenge would be finding surplus burrowing owls from elsewhere. This would be the challenge because burrowing owls are declining throughout their range in California. Many burrowing owls have been displaced by recent industrial solar projects in the Imperial Valley and the Mojave Desert, as well as the Carrizo Plain. The species occurs only in a few locations across

Solano and Sacramento Counties, and few remain in the Bay Area. The largest population in the region, which I studied over the last decade in the Altamont Pass, is in decline (Smallwood, unpublished data).

**72-4** The response characterizes my comments as providing background, but that is inaccurate. My comments shared my findings of species detections on the project site, including of Swainson's hawk and other special-status species. I also described what these species were doing on the site.

**72-5** The response dismisses my observations in Table 1 and my list of species and their occurrence potentials in Table 2 because I did not provide habitat requirements and behaviors of the species I listed. These are false standards, and not entirely true. I provided descriptions of what some of the species I detected were doing, and I provided photographs of some species doing what I said they were doing. But anyway, habitat requirements are irrelevant for the species that I detected on the project site, as well as for the species detected by others on or near the project site (Table 2 of my letter). After all, habitat is defined by a species' use of the environment (Hall et al. 1997, Morrison et al. 1998). For all those species in Table 2 that were seen at or near the project site, the site and its surroundings obviously, and by definition, provided suitable habitat.

The response claims I provided no evidence that the species I listed in Table 2 actually occur in the project area. But I did. Anyone can check eBird to verify the sightings I summarized. Examples appear in Figure 1 for burrowing owl, white-tailed kite, Swainson's hawk and ferruginous hawk. Some of the records include descriptions of what the birds were doing, and some provide photographs.

According to the response, the data base review and site visits that contributed to the SEIR provided ample evidence in support of conclusions in the EIR. This was obviously not true. Members of the public have eyes, and so do I. Our observations of species at and around the project site were no less valid than those of biologists working for Sycamore. And if the environmental review is going to meet the objectives of CEQA, then all sources of information ought to be considered. One CEQA objective is to publicly disclose potential environmental impacts of a proposed project so that decision-makers and the public can make more informed decisions over whether and how to proceed with a proposed project. To meet this objective, CEQA does not require use of CNDDDB as the sole data base upon which to inform the public. Nor do detection survey guidelines for any particular species suggest relying solely on CNDDDB for determining habitat suitability at a site. Public participation with decision-making over proposed projects is another CEQA objective, and one to which the public can contribute via their observations of special-status species on a project site.

**72-6** According to the response the project site is not covered by wheat, but rather sunflowers. Photo 5 of my comment letter shows a red-winged blackbird guarding its breeding territory in wheat this spring. On 7 June 2020, the site remained covered by wheat. Obviously, different crops are grown on the site in different years, and responders' have not gotten up to date on what is grown on the site this year. This year the crop is wheat, which is a crop that northern harriers are known to nest in.



**Figure 1.** eBird observations within 30 days (red symbols) and older than 30 days ago (blue symbols) for Swanson's hawk (top left), ferruginous hawk (top right), white-tailed kite (bottom left), and burrowing owl (bottom right).

72-7 The City did not really respond to my comment.

72-8 Whether tricolored blackbirds actually nest on the project site is irrelevant to my comment. I pointed out that tricolored blackbirds cannot nest successfully without successful foraging both during the breeding season and non-breeding seasons. I

further pointed out that tricolored blackbirds forage in environments different from where they breed.

The response again points to lack of records of tricolored blackbirds in CNDDDB and eBird, but I assert that it is inappropriate to use CNDDDB this way, and I am relieved that eBird records do not report breeding colony locations.

**72-9** The response again argues that because Sycamore did not detect white-tailed kites in the area of the project site, the species does not occur there. This is unfortunate commentary on Sycamore because, as I testified, the project site is currently central to the highest density of breeding white-tailed kites within 10 miles of Davis. One of the nests happens to be located in one of the young Fremont cottonwoods that the SEIR had claimed unsuitable for white-tailed kites. The nest is in the Biological Study Area defined in the SEIR. Furthermore, the response concludes, “*No nesting white-tailed kites were observed during the February and March 2020 burrowing owl surveys.*” But the nesting season is April through June, not February and March.

Finally, the response cites a passage from Erichsen (1995), “*Kites will occasionally use isolated trees, but this is relatively rare. Most nests in the Sacramento Valley are found in oak/cottonwood riparian forests, valley oak woodlands, or other groups of trees.*” On the other hand, Erichsen et al. (1995) reported that all of the nest failures resulting from displacement by Swainson’s hawk, which was nearly half of the nests documented in our study,<sup>1</sup> occurred in riparian corridors. As we reported, features common to successful nest sites included:

- 1) “Nests were in rows (hedgerows between fields) or patches of trees...overlooking low-lying natural vegetation, fallow fields, wet pasture, and alfalfa;
- 2) Low-lying vegetation contiguous with the was at least 50 m x 30 m;
- 3) Nests were <1.5 km from water...;
- 4) Nests were >100 m from roads.”

This year, most of the nest sites are in trees in urban areas, and one is in an isolated Fremont cottonwood at the project site. Nest success has yet to be determined.

According to the response, “*the Draft SEIR does not entirely discount the possibility that white-tailed kites may nest in the trees on-site.*” This is a relief, because white-tailed kites are nesting in a tree on the project site.

**72-10** The response again misapplies CNDDDB. Lack of CNDDDB records does not mean absence of a species.

**72-11** The response says protocol surveys are ongoing and will be consistent with the standards recommended by CDFW (2012). These surveys needed to be completed prior to circulation of the EIR, not after the FEIR. To meet the primary objectives of CEQA,

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<sup>1</sup> Just to be clear, Erichsen and I co-authored the cited paper, along with others, but Erichsen and Commandatore were the investigators who performed the nest surveys. I performed the winter surveys.

the public and decision-makers need to be informed of the results of detection surveys in time for the public to meaningfully comment on them.

**72-13** The response provides more detail on the proposed solar installations, which is helpful. From 7 industrial solar PV projects in agriculture and grassland environments of California (Campo Verde, Centinela, Topaz, Imperial, Calipatria, Midway, and California Valley Solar Project), I estimated from fatality monitoring reports an average 2.06 bird collision fatalities/acre/year (95% CI: 1.79-2.33 fatalities/acre/year) within the PV arrays. This average, applied to 21 acres of proposed PV on parking lots and next to agricultural buffers, would predict 43.3 (95% CI: 37.6-48.9) bird fatalities per year, or 2,165 (95% CI: 1,880-2,447) bird fatalities over 50 years. This would be a substantial impact that has not been addressed in the SEIR nor has any mitigation been formulated for it. This level of unmitigated collision mortality would represent a significant impact.

**72-14** The response characterizes the incidental take permit (ITP) for HCP-covered species as a catch-all for all species, as if the ITP was issued for all of them. It was not. The ITP was issued for particular species. Each of the covered species has uniquely defined habitat.

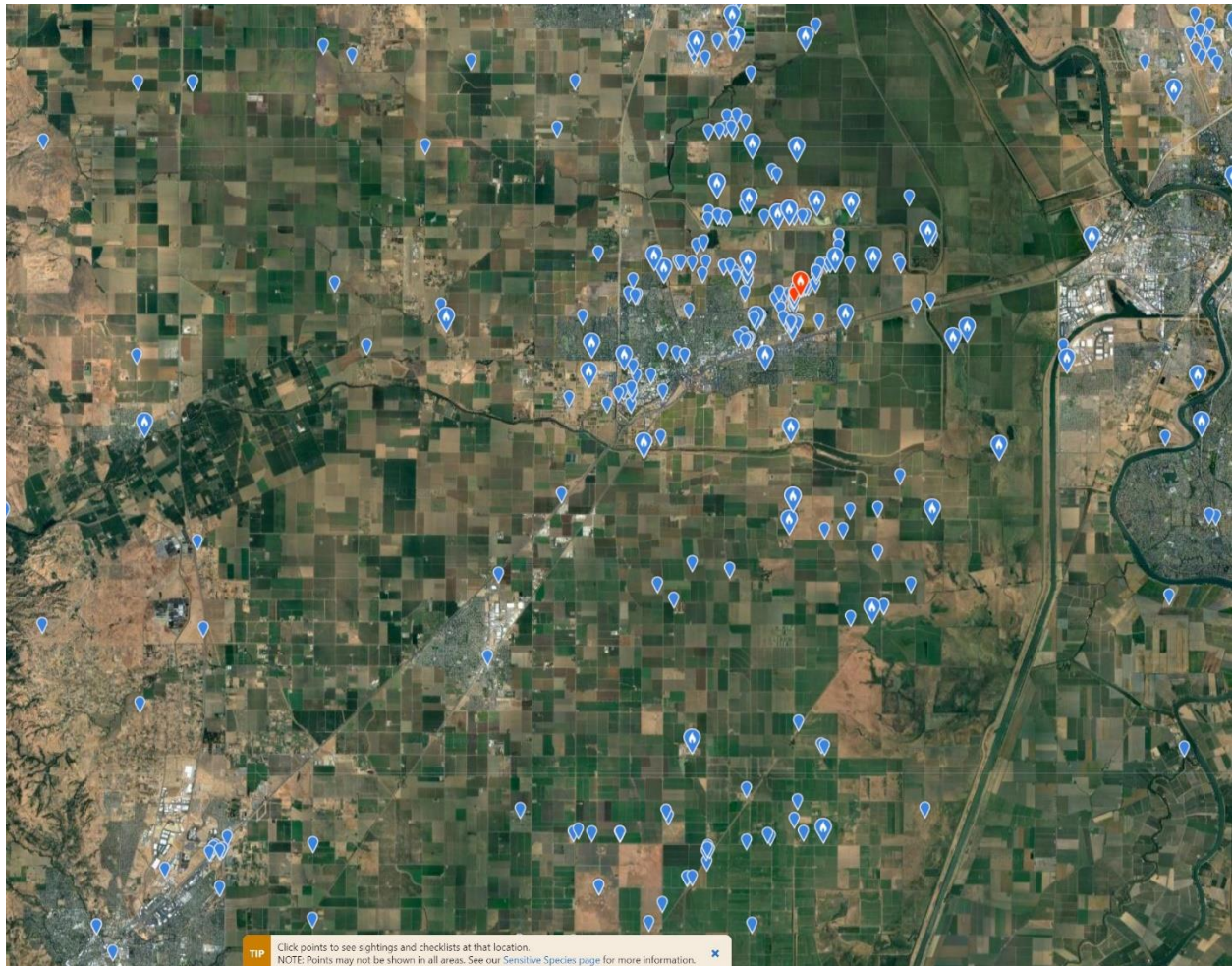
The response characterizes an HCP strategy of creating reserves. However, this strategy remains unproven until reserves exist and it can be shown that Yolo County's special-status species live in them. But the response is accurate in pointing out that my comment focuses more on species conservation than habitat conservation. Habitat loses its meaning when a species is absent. As I commented earlier, if the HCP creates a reserve to conserve burrowing owls and other species, but burrowing owls have already been extirpated from Yolo County by this and other projects, then the burrowing owl mitigation will be meaningless. Habitat without the species is not successful conservation.

**72-15** The response claims that the small extent of burrowing owl habitat that would be destroyed by this and other projects will leave a vast amount of burrowing owl habitat in Yolo County. But see Figure 2, which depicts the locations of burrowing owls reported on eBird over the last 30 days. The model that the response cites only predicts where suitable habitat is located. It needs to be validated for accuracy. If validation surveys were performed now, they would show the vast majority of the predicted burrowing owl habitat to be empty of burrowing owls. This is what I have been finding in multiple long-term sampling plots in Yolo County where burrowing owls used to occur.

The response lists the objectives of burrowing owl habitat preservation that appear in the HCP. None of the listed objectives mention anything about ground squirrels, the existence of which is an essential element of burrowing owl habitat. The poisoning of ground squirrels across many properties is a leading cause of the ongoing decline of burrowing owls, yet the HCP is silent on ground squirrels.

The last HCP objective of preserving 2 nesting pairs within Yolo County's preserves for each pair lost to development activities will be meaningless with the loss of the last breeding pair within the Davis Sphere of Influence. If no burrowing owls are left, how

can this objective be met? Given the current situation with burrowing owls on the brink of extirpation from Yolo County, the EIR should provide a more explicit mitigation plan than simply dumping the problem into the lap of the HCP. The HCP's strategy will implement too late for burrowing owls.



**Figure 2.** eBird records of burrowing owls in the last 30 days (red symbols) and older records (blue symbols) across the Valley portion of Yolo County. The only recent records are at the proposed project site and across the street from the project site. I am aware of 2 nest sites in south Yolo County, but so far this is it – I can confirm only 3 pairs remain.

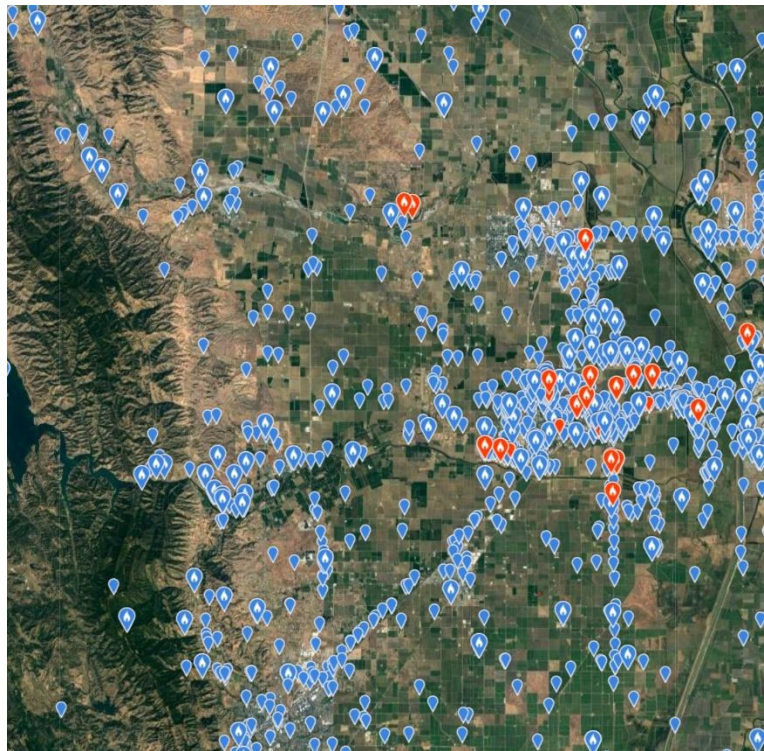
**72-16** The response says the HCP was analyzed carefully and all the participating agencies agree it will effectively conserve species in Yolo County. I have seen all of these expressions of confidence with past HCPs, and I can point to one HCP that appears to be meeting stated objectives. I hope the Yolo County HCP succeeds in conserving our species of wildlife. But I have reviewed many HCPs that have come nowhere close to meeting objectives (Natomas, San Joaquin, Bakersfield, West Riverside, San Diego, among other HCPs). Most have not protected habitats at the levels promised. Those that promised monitoring to assure performance standards are met, such as maintaining threshold numbers of each species conserved, typically started the



monitoring late or never achieved the level of monitoring promised. Most have not demonstrated achievement of conservation goals. Rather than repeating all the accomplishments that have yet to occur in the Yolo County HCP, it would help to point to successes of other HCPs or to studies that summarize successes. This would help to inform the public and decision-makers about whether and to what degree project impacts might be mitigated by the Yolo County HCP.

**72-17** White-tailed kites do not occupy 268,230 acres of modeled habitat in Yolo County. They probably did so years ago, but not anymore. The species is declining while City of Davis claims there are plenty. See Figure 3 for the recent distribution of white-tailed kites in Yolo County. Notice that most of the recent sightings are in and around Davis. The species' range in Yolo County has become much more restricted, and the population size dangerously small. And again, the strategy of the Yolo County HCP is likely to implement too late to conserve this species.

**Figure 3.** *Recent eBird sightings (red symbols) and older sightings (blue symbols) of white-tailed kites in the valley portion of Yolo County. Other than a pair of sightings along Cache Creek, a single sighting in southeast Woodland, and a sighting northwest of West Sacramento, all of the recent sightings are in and around Davis.*



**72-18** City of Davis responds by promising 3 artificial nest boxes for burrowing owls along the project's agricultural buffer. I have studied the efficacy of artificial nest boxes at two large study areas, one of which resulted in a published paper (Smallwood and Morrison 2018) and the other of which will be published soon. What I found were widespread failures of artificial nest boxes to host burrowing owls beyond a year or two. Artificial nest boxes lose their effectiveness in the absence of ground squirrels and in the absence of routine maintenance. Ground squirrels are of critical importance to burrowing owls for the mutual predator alarm-calling each species provide each other. I studied this relationship between ground squirrels and burrowing owls over the last decade in the Altamont Pass (first reported in Smallwood et al. 2013), and found burrowing owl nest success increases with increased numbers of ground squirrels within

25 m, and ground squirrel persistence through the spring and summer months increases with the presence of burrowing owls. I also found that burrowing owls decreased where ground squirrels decreased, and they did not occur where ground squirrels were absent.

The City should already know that artificial nest boxes have had a poor history of success in Davis. Many nest boxes have been installed in Davis, and none of them are used by burrowing owls anymore. Wherever squirrels were available, burrowing owls moved from nest boxes to squirrel burrows. And where squirrels disappeared, so too did the burrowing owls regardless of any nest boxes.

That the City now proposes to preserve ground squirrels in the agricultural buffer is an improvement. Preserving ground squirrels would provide burrowing owls a chance. A plan is needed, however, on how ground squirrels would be preserved. How would nuisance complaints be resolved? How would house cats be kept away from the agricultural buffer? A burrowing owls and ground squirrel monitoring plan is needed, as well.

**72-19** The response claims that avian mortality caused by collisions with solar PV panels would be “limited,” whatever limited means. The available data supports a prediction of 43 avian collision fatalities per year, accumulating to thousands over several decades. It is just this sort of impact, characterized as “limited” and repeated at many places across North America, that resulted in the recently reported 29% decline in overall bird abundance across North America over the past 48 years (Rosenberg et al. 2019). The report of this decline came at about the same time California’s Governor signed AB 454, which amended California’s Fish and Game Code section 3513, thereby extending Migratory Bird Treaty Act protections to California’s birds. In response to widespread declines of birds, California added protections that ought to be considered in the EIR for this project. We are losing our birds at a rapid rate, and with unknown but likely large ecological and economic consequences. City of Davis needs to take each new proposed project more seriously.

Thank you for your attention,



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Shawn Smallwood, Ph.D.

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**To:** Planning Commission  
**From:** Hannah Safford, Co-Chair, Natural Resources Commission  
**Date:** June 9, 2020  
**Subject:** Davis Innovation and Sustainability Campus—Sustainability Baseline Features

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*\*\*\*Note that while I serve as co-chair of the City of Davis Natural Resources Commission (NRC), this memo is written in my capacity as a private citizen.\*\*\**

Dear Commissioners,

I strongly concur with the points made by Richard McCann in his memo (dated June 8, 2020; transmitted June 9, 2020) “Response to City of Davis Staff Report on the Davis Innovation and Sustainability Campus – Baseline Features” [Attachment 1].

The Davis Innovation and Sustainability Campus (DISC) is proposed as the second-largest single development in Davis, behind only UC Davis. Any project as large as DISC will inevitably impose considerable environmental impacts, including adverse effects on local habitat, water quality, and air quality. In particular, DISC will substantially increase the City’s carbon footprint, making it more difficult for the City to achieve carbon neutrality by 2040 and realize goals stated in its climate emergency declaration.

It is therefore essential that DISC, if allowed to move forward, be designed from the ground up to mitigate environmental impacts as much as possible. This cannot be achieved without strong, legally enforceable sustainability provisions in the project’s baseline features. The Environmental sustainability features proposed by the NRC are the product of careful deliberation by the climate, water, and energy experts who serve on that commission. The staff report on DISC suggests watering down the NRC’s proposals to a surprising and alarming extent. As Commissioner McCann points out, **staff “rejected every single NRC proposal that differed from that proposed by the developer.”**

Commissioner McCann provides a thorough explanation of the rationale for many of the NRC proposals dismissed by staff. Below, I provide additional explanation for several points not addressed in Commissioner McCann’s memo. I also the revised and expanded environmental sustainability features that were finalized by the NRC on June 5, and transmitted to you on June 8 [Attachment 2]. I have annotated the attachment to draw attention to key changes in the revised and expanded features, and to provide context for those changes. **Note in particular the addition of two sections containing recommendations for limiting the greenhouse-gas and air-quality impacts of DISC-associated transportation.**

I urge you to take this input into account when considering your recommendations to City Council on DISC. DISC has the potential to deliver important economic benefits, and has been a long time in the making. But it is too significant a project to simply be rubber-stamped.

Signed,

Hannah Safford  
Co-chair, NRC

**NRC2:** Including a definition of “clean energy” is important given that the term is used to mean different things by different parties. For instance, so-called “clean coal” is excluded from the list of technologies eligible for California’s Renewables Portfolio Standard (RPS).

**NRC3:** It is especially odd that staff rejected the recommendation for the project to meet and exceed Title 24, Cal Green Tier 1 standards given that this proposal was originally submitted by the developer.

**NRC7:** It would be reasonable to modify the NRC’s recommendation to read “laboratory and manufacturing processes” instead of simply “manufacturing processes”.

**NRC8:** The revised and expanded sustainability features proposed by the NRC update this recommendation to motivate a higher level of commitment from the developer.

**NRC10:** Both trees and solar installations deliver important GHG benefits. Though the immediate GHG impacts of solar installations are typically greater, lifetime benefits may not be—especially when considering the co-benefits such as shading, water retention, habitat provision, and aesthetic value that trees provide. Including a statement in the baseline features that acknowledges the importance of balancing solar coverage with tree-canopy development is important to prevent the short-term benefits of solar from discouraging investment in the long-term benefits of trees.

**NRC15:** Mitigating adverse environmental impacts requires DISC to be designed for sustainability from the ground up. Just as it is a best practice to pre-wire buildings and parking spots for EV infrastructure in the future, the developer should be required to pre-configure project area to support expansion of tree coverage beyond initial plantings. The sentence “all parking surfaces or street-adjacent sidewalks that use *or are conducive to tree shading*” [emphasis added] should therefore be retained.

**NRC18:** The revised and expanded sustainability features proposed by the NRC update this recommendation in a way that aligns with the staff recommendation.

**NRC19:** It is unclear why the recommendation for annual reporting of EV charging demand was rejected. Data on EV charging demand is essential to determining where and to what extent charging infrastructure should be expanded or upgraded.

**NRC28:** Staff has provided no reason for rejecting the sentence “The Developer shall convert this [nonpotable water] system to reclaimed/greywater water if and when such service is made available.” Without an adequate rationale, the sentence should be re-added.

**NRC29:** Staff considerably watered down the NRC recommendation to encourage onsite water reuse, stating only that “Developer expressed concerns with the use of grey water given the nature of uses which may occur onsite.” This sentence is vague and confusing. The NRC did not suggest any specific greywater-reuse practices that would be apparently incompatible with onsite activities at DISC. If staff are unable to provide a better explanation, then the original NRC recommendation should be adopted in full.

June 8, 2020

To: Planning Commission

From: Richard McCann, Member, Natural Resources Commission

**Response to City of Davis Staff Report on the Davis Innovation and Sustainability Campus – Baseline Features**

I submit these comments as a private citizen and not on behalf of the Natural Resources Commission (NRC). However, I was on the first NRC subcommittee tasked with developing the draft baseline features and am intimately familiar with the intent and mechanisms of these proposals.

For the State of California to achieve its GHG reduction goals by 2045 under state law will require largely eliminating all natural gas use in all buildings and widespread adoption of electric vehicles. Looking forward a quarter century, we need to start this process by ending the use of methane fuels in new buildings. (Reducing use in existing buildings will be an even larger hurdle.) The Planning Commission should support this initiative by the NRC to achieve our climate change goals that are consistent with the Climate Emergency Resolution adopted by the City Council in 2019. If the developers of the Davis ***Innovation and Sustainability*** Campus want to be truly innovative and sustainable—true leaders that will attract cutting edge entrepreneurs—they will agree with the NRC's proposals, disregarding the Staff's recommendations where they conflict.

The Staff Report to the Planning Commission provides in Attachment 6 a comparison of the baseline features proposed by the NRC and what the Staff is recommending to be adopted. The Staff has inappropriately taken on an adjudicatory role that is reserved in state law to the Planning Commission and City Council in this report. The Staff rejected every single NRC proposal that differed from that proposed by the developer. The Staff has sided with the developer over the recommendations of the well-informed citizens of Davis that were appointed by the City Council in large part due to the expertise that those citizens bring to these deliberations. The Staff ignored the research, analysis and deliberations that NRC members conducted since fall 2019 in its rather arbitrary dismissal of the NRC proposals.

In several cases, the Staff appears to be confused about what the NRC actually proposed and rejects those proposals based on misinformation. In addition, the NRC made proposals based on previous City actions that the Staff rejected, including a housing proposal based on the City Council's certification of the original MRIC EIR. Finally, the Staff appears to have misinterpreted or misunderstood other studies, or have failed to provide supporting evidence for rejecting the NRC's proposals. The Planning Commission should consider and accept the NRC proposed features rather than simply accept the Staff's assertions in these cases.

Baseline features are required elements to be added to the development agreement that go beyond the minimum requirements contained in City ordinances, codes and regulations. If these features just simply matched what is already required, then there would be no need to establish baseline features in a development agreement. For this reason, simply rejecting certain proposals because they go beyond minimal requirements defeats the entire purpose of this exercise. The City will never achieve its environmental goals or provide leadership to the rest of state if this is the only reaching minimal standards.

My comments on Staff recommendations on NRC proposals follow:

***NRC2: The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite...***

Providing local energy production increases sustainability by minimizing the need for transmission and distribution grid infrastructure, lowers the cost of that generation overall, and better facilitates use of energy storage by avoiding that grid infrastructure (saving up to 10% in energy losses). Further, it increases local resilience by bringing energy generation and storage closer to the immediate load center. This is particularly important at the risk of wildfires increases and public safety power shutoffs (PSPS) increase commensurately for at least the next decade according to Pacific Gas & Electric (PG&E).

**Recommend full inclusion of NRC 2.**

***NRC3: (Staff response) Cal Green Tier 1 was [sic] not found to be cost effective and is therefore not required. The current Non Residential Reach code does not include an all electric provision and could require a cost effectiveness study and California Energy Commission review.***

This statement is mistaken and surprising. The Staff sent a memo to the NRC on September 25, 2018 stating that CalGreen Tier 1 is the basis of the current code. The Staff worked with the NRC in 2018 to develop a non-residential commercial building code based explicitly on CalGreen Tier 1. This was confirmed by City Staff in NRC meetings. NRC 3 is only restating what is already required as a prelude to the next statement. Note further that the current City code does not include a requirement that residential be all-electric, but instead provides an incentive to be all electric. So that baseline feature proposed by Staff already exceeds the City code requirements. Requiring this of the commercial space is therefore no different. This proposal does *not* include a change to the City building code and therefore is not subject to CEC review. It is specific to this project. **The reference to CalGreen Tier 1 should be included in case in the future City code falls below that standard. The commercial buildings should be required to be all-electric, except for the exceptions proposed by the NRC in NRC7.**

**Alternatively, the provision for restricting natural gas use on site would be to ban the installation of natural gas infrastructure except at the specific request of tenant for a specified purpose.**

***NRC4: (Staff response) The developer has agreed to enter into an agreement. However, it cannot be ensured that all power will be used locally.***

Valley Clean Energy Alliance has considered the implementation of a feed-in tariff to purchase local renewable power.<sup>1</sup> DISC can approach VCE with the City, which is a member of the governance board of VCE, to finish developing that tariff. **This baseline feature provides the incentive for the developer to move this issue forward.**

***NRC5: If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power from solely renewable sources...***

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<sup>1</sup> See <https://valleycleanenergy.org/wp-content/uploads/VCEA-Implementation-Plan-Final-w-ATT-10-17-17.pdf>.

The Staff recommendation fails to include the most important element which is to maximize energy efficiency. The best way to reduce environmental impacts from energy use is to avoid energy use. **This provision should be included in the baseline features.**

***NRC7. All onsite commercial buildings shall be all-electric. Fossil fuels (e.g., natural gas, propane) shall only be allowed for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City's Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.***

***(Staff response): Requiring all electric is not consistent with the City of Davis Non-Residential Reach Code. The recommendation goes beyond our Reach Code and could require a cost effectiveness study and California Energy Commission review. Furthermore, it is anticipated that certain desired laboratory and advanced manufacturing uses may need natural gas or other fuel sources.***

In NRC6, the Staff report calls for requiring all-electric residential housing. This goes beyond current City code that only provides an incentive to build all-electric residential. Yet, the Staff rejects NRC7 for requesting exactly the same provision for non-residential buildings. This requirement will be subject to the exact same tests that NRC6 will face, which is none because it is in the development agreement and not in the City code. The Staff is wrong about the requirement for a cost-effectiveness test in this situation. In addition, the Staff report ignores the fact that the NRC included the exception for fossil fuel use that the Staff claims was ignored. **NRC7 should be included in the baseline features.**

***NRC9. All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.***

***(Staff response): Developer has indicated that it has feasibility concerns with this request particularly in the early phases.***

NRC members had discussions with the development company on this matter and the developers did not express any concern about limiting this provision to HVAC and lighting. This provision does not cover other internal uses such as office equipment, laboratory and manufacturing processes or other activities that are entirely under the control of tenants. This provision will be easy to meet with the combination of requiring (1) 100% renewable power and (2) all-electric construction except where needed to meet tenant requests. **NRC9 should be included in the baseline features.**

***NRC12. In anticipation of improved solar connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.***

The Staff report mistakenly implies that the NRC is requiring installation of a microgrid. The NRC is recommending that the development be required to be microgrid-ready. This proposal is consistent with the provisions in the draft Downtown Plan Chapter 8 "Implementation Actions: Sustainability." NRC members had discussions with the developer who indicated such a requirement was feasible. The alternative future cost of installing this conduit and supporting features is multiples of the low cost of including design provisions. **NRC12 should be included in the baseline features.**



**NRC14. (Staff response). *The EIR lays out options for dealing with the ponding, none of which can occur on site or on another privately owned property within the City boundaries as the flow is away from the city.***

The NRC made this recommendation to prevent the use of City-owned property at Howatt Ranch for drainage without full compensation from the developer. **NRC14 should be included in the baseline features.**

**NRC16. (Staff response). *Staff recommends that the applicant meet the City's Tree Ordinance requirements for shading.***

The City does not have a currently effective Tree Ordinance and revision has been delayed for at least three years. **Without assurance that the Tree Ordinance will be updated in a timely manner, NRC16 should be included in the baseline features.**

**NRC 19. *All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows.***

Staff recommends that only the current City ordinance be required. That fails to consider the need for forward thinking to achieve the City's goals under the Climate Emergency Resolution. The just-released GHG inventory shows that 69% of the City's emissions are from transportation. Reducing those emissions will require reducing VMT and switching from gasoline and diesel-fueled vehicles. The NRC's recommendation only calls for all parking bays to be EV ready—that does not mean that charging infrastructure is required. As with being microgrid ready, it is much cheaper to preinstall certain underground infrastructure at the outset instead of digging up the parking lots later at ten times the cost (based on the difference in cost between “greenfield” and “brownfield” installations of electricity distribution infrastructure reported by PG&E in its mobilehome park conversion program.) Further, EV charging will enable onsite renewable generation with “vehicle to grid” (V2G) energy storage that will provide such storage for a steep discount compared to standalone storage, leading to future cost savings. The project developers represented to members of the NRC that such a requirement would not be burdensome. **NRC19 should be included in the baseline features.**

**NRC 20. All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall.**

Staff recommends applying only the City ordinance, which does not require rewiring for all multifamily parking stalls. See comment on NRC19 for further explanation on this issues. **NRC20 should be included in the baseline features.**

**NRC 21. (Staff response.) *Market analysis indicates that the market will not bear paid parking for commercial in Davis. DA Ex. 12: Developer commits that when the market will bear parking fees, such fees will be implemented with proceeds supporting TDM measures.***

The Staff report provides no documentation for this purported “market analysis”. The Staff appears to both misapply such a market analysis which is likely focused on retail commercial activity in downtown Davis, and miss the intent of the recommendation to reduce both VMT and GHG emissions. Various

studies, including these two that UCD Institute of Transportation Studies contributed to,<sup>2</sup> indicate that such fees are effective at achieving these objectives. Transportation demand measures (TDM) without parking fees will fail to achieve sufficient reductions in a cost-effective manner. **NRC21 should be included in the baseline features.**

**NRC32. Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space<sup>2</sup>.**

The Staff recommendation of one dwelling unit per 2,000 square feet of nonresidential space allows residential buildout at a rate 50% faster than commercial buildout. This will reduce the effectiveness of creating the jobs-housing balance that will reduce the environmental consequences from the project. (See further comments in NRC34 below.) **NRC32 should be included in the baseline features.**

**NRC 33. To provide an opportunity for a carfree lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.**

Paid parking is one of the most effective transportation demand measures and could lead to large reductions in VMT and GHG emissions, as noted in my comment on NRC21. The proposal in the Staff report is meaningless. Unbundling is irrelevant without an associated requirement for paid parking. Unbundled free parking is still free. **Include NRC33 in the baseline features.**

**NRC34: ...the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.**

**(Staff Response): This request jeopardizes overall project feasibility and is more than the market will bear.**

This project has been advertised as a business development focused on commercial and industrial uses. Residential building is to accommodate the workforce in an environmentally friendly manner. The finances for residential portion of the development should not weigh significantly on overall project feasibility unless the residential portion is overly costly. The Staff report only makes an assertion with no supporting documentation on this point and it should be rejected as speculative. In contrast, master leasing is common by companies in the Bay Area, including by Google and Apple. Davis housing prices are 75% to 80% higher than neighboring cities in Yolo County,<sup>3</sup> and master leasing is a direct means for companies to control housing costs in a favorable manner for their employees. This will lead to a reduction in commuting VMT.

Further, when the City Council certified the initial EIR on the MRIC provision upon which the SEIR is tiered, it adopted the following language as a requirement for MRIC (which is now DISC):

<sup>2</sup> See <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>, and [https://d3n8a8pro7vhmx.cloudfront.net/climateplan/pages/44/attachments/original/1509403808/2017-PTA-Handy\\_UCDavis\\_VMT\\_Report\\_1.pdf](https://d3n8a8pro7vhmx.cloudfront.net/climateplan/pages/44/attachments/original/1509403808/2017-PTA-Handy_UCDavis_VMT_Report_1.pdf).

<sup>3</sup> See Zillow sites: <https://www.zillow.com/davis-ca/home-values/>, <https://www.zillow.com/woodland-ca/home-values/>, and <https://www.zillow.com/west-sacramento-ca/home-values/>.

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

The City Council has already adopted the requirement that the NRC is again including its requirements for baseline features. The Staff's unsupported rejection of this proposal similarly rejects the previous action by the City Council. The Staff fails to note anything that has changed in the interim. The NRC is proposing a specific mechanism for ensuring that the City Council's officially stated requirement.

Thank you for your consideration of these comments.

## **Proposed Environmental Sustainability Baseline Features for Davis Innovation Sustainability Campus**

The City of Davis (City) Natural Resources Commission (NRC) met on April 27, 2020 to discuss the proposed Davis Innovation Sustainability Campus (DISC; formerly known as the Aggie Research Campus) Project (Project). At this meeting, the NRC formed a subcommittee to propose environmental sustainability features (features) for the Project with consideration given to the applicant’s Environmental Sustainability Guiding Principles. These features were reviewed with the full NRC at a special meeting on May 14, 2020 and submitted to City staff on May 18, 2020. On June 3, 2020, the NRC met to discuss revisions to the proposed environmental sustainability baseline features, in response to City staff comment, as well as additional baseline features related to transportation demand management, site access, and traffic mitigation measures. The NRC voted unanimously to submit the features—following revision by the subcommittee based on feedback received during the meeting—to the Planning Commission, City Council and City Staff, with a recommendation for the revised features to be included in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote. The product of this discussion is below, and represents the NRC’s final recommendations for environmental sustainability features for the Davis Innovation Sustainability Campus Project.

The NRC has made recommendations for transportation demand management and traffic mitigation measures because transportation will contribute over 70% of the project’s GHG emissions. However, the Bicycle, Transportation, and Street Safety Commission will also be making recommendations for baseline features related to these topics. Both the NRC’s and BTSSC’s recommendations regarding transportation and traffic should be considered.

### **Proposed environmental sustainability features for the Davis Innovation Sustainability Campus Project**

*Recommended for inclusion in “Baseline Project Features” submitted for voter approval of the Project pursuant to a Measure R vote*

#### Measurement and Verification

To ensure accurate tracking and reporting of achievement of Project sustainability goals and obligations, the Developer will establish a Master Owners Association (MOA) for the Project that reports to the City and is responsible for measurement of, verification of, and assuring compliance with Project sustainability obligations and mitigation measures. The MOA will prepare and submit for City approval a Sustainability and Mitigation Monitoring Reporting Plan. Per the Plan, the MOA will prepare and submit to the City annual reports that describe progress towards meeting sustainability goals and obligations and implementing mitigation measures, including all relevant provisions in the Project’s baseline features. Annual reports will also indicate what actions will be taken in the following year to meet phased actions as part of the sustainability goals and obligations and mitigation measures.

#### Energy Efficiency and Usage

The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite and ensuring that all Project structures consume 100 percent clean energy. “Clean energy” is defined as energy derived from technologies eligible for California’s Renewables Portfolio Standard (RPS). In addition, the Developer shall commit to the following measures:

- The Project shall meet all CALGreen Tier 1 prerequisites for Residential and Non-Residential buildings in effect at the time of permitting of each phase of the Project.
- The Project shall meet all City of Davis Residential and Commercial Energy Reach Code Standards in effect at the time of permitting of each phase of the Project.
- The Developer shall enter into a purchase and sale agreement with Valley Clean Energy (and/or another electric utility company) for all power produced by the Project in excess of on-site demand. This agreement shall ensure that all power generated but not used onsite is used locally.
- If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power from solely renewable sources such as Valley Clean Energy’s “UltraGreen” 100 percent renewable and 100 percent carbon-free service (or equivalent) to offset the deficit. This requirement will be continued for the lifetime of the Project by building owners.

- All onsite residential units shall be all-electric (i.e., shall not include natural-gas service).
- All onsite commercial buildings shall be all-electric, with the exception for fossil fuels (e.g., natural gas, propane) required for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City’s Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.
- Prior to beginning construction on each phase of the Project, the Developer shall prepare a report describing plans to incorporate passive heating and cooling strategies into building design so as to reduce overall energy demand. Such strategies may include but are not limited to: construction using thermally massive materials, incorporation of shading devices in the building envelope, strategic building orientation and window placement, and strategic planting of trees and other vegetation. This report shall be subject to review and approval by City staff. This recommendation has been expanded to motivate a higher level of commitment from the developer.
- All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.
- Prior to beginning construction on each phase on the Project, the Developer (and MOA for Phases 2 and 3) shall engage an outside consultant to conduct a solar feasibility assessment for development planned in that phase. The assessment shall identify all appropriate locations for solar photovoltaics (PV) or other future comparable technology, taking into account factors such as structure orientation, grid design, installation cost, and site landscaping. Locations may include but are not limited to rooftops, ground solar arrays, and constructed canopy structures. The Developer shall implement PV on all recommended locations, up to the extent that Project electricity demands are fully met. Note that this provision is not intended to and shall not substantially interfere with Project requirements for tree canopy. This recommendation has been expanded to clarify what “every conducive structure” means with regards to PV.
- The Project shall achieve net-zero energy for outdoor lighting through the use of onsite PV or similar technology.
- In anticipation of improved solar-connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.

#### Parking Lots and Internal Streets

The desired outcomes of design features for the Project’s parking lots and internal streets shall be to: (1) encourage a mode shift from Single Occupancy Vehicles (SOVs) to walking, bicycling, public transit, private transit, ridesharing, carsharing, carpooling, and/or micromobility; (2) encourage use of zero-emission vehicles (e.g., electric vehicles) where SOV use is necessary as well as in any alternative transportation service that relies on passenger vehicles; (3) reduce runoff and heat-island effects amplified by parking lots; and (4) reduce adverse visual, aesthetic, and quality-of-life impacts of working and living near parking lots. To further these desired outcomes, the developer shall implement the following features in its parking areas and/or along the Project’s internal roadway system:

- Low-impact development (LID) features, such as bioswales and permeable pavement, shall be implemented in all streets and surface-level parking to capture and filter runoff and maximize groundwater recharge.
- All parking surfaces or street-adjacent sidewalks that use or are conducive to tree shading shall incorporate structured soil or suspended substrate to allow successful tree-root development. The developer shall size the area of each pavement-treatment site to accommodate the maximum size of a tree that could reasonably be accommodated on that site.
- Landscaping shall provide 80 percent shading of pedestrian walkways and off-street bike paths. At least 50 percent parking-lot shading shall be achieved through either shade trees or PV arrays. Compliance with these requirements shall be demonstrated at the time of building by securing permits for adequate PV arrays and/or by consulting with a certified arborist on a tree-planting and -maintenance strategy expected to achieve the desired shading area within 15 years of planting.

Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied. Progress towards meeting the shading requirement shall be included in each Annual Report.

- Parking preference and priority shall be given to electric vehicles (EVs) and to vehicles participating in a carpool program. Only carpool and EV parking shall be allowed adjacent to buildings in spots not designated for disabled persons. Spots designated for disabled persons shall not be restricted to particular vehicle types.
- All stalls designated for EVs shall have charging stations pre-installed. Stations shall include a mix of free Level 1 charging and paid Level 2 charging. This recommendation has been updated and now matches the staff recommendation.
- All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows. This infrastructure will include electrical panels, conduit/raceways, overprotection devices, wires, and pull boxes and will be designed to support vehicle-grid integration. On-site demand for EV charging shall be reported in each year's Annual Report.
- All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall. Townhomes, if built to accommodate two vehicles, will be prewired to allow for the installation of a second charger.
- All commercial parking for non-electric SOVs shall be paid parking. To encourage occasional bus use, no discounts for monthly parking versus daily parking will be allowed.
- The Project shall be exempt from parking minimums otherwise required by the City for new development. Specifically, the minimum number of parking spots necessary for the Project shall be informed by the Project's TDM plan rather than general minimum parking requirements.

#### Landscaping and Water Conservation

To reduce Project demand on groundwater and potable water and to provide appropriate habitat for native species, the developer shall commit to the following measures:

- All Project landscaping shall be adapted for climate change, drought resistant, pollinator friendly, and maintained organically.
- Native and drought-tolerant plants shall predominate the plant palette. A diversity of native habitats— including but not limited to riparian and California oak savanna—shall be maintained throughout the Project site, primarily but not exclusively within the agricultural buffer and along the drainage channel.
- Turf shall be used only in areas (such as “The Oval” or organized sports fields) programmed for activities that require turf.
- The Developer shall engage with the Center for Land Based Learning, the UC Davis Arboretum, or other local expert(s) to design and manage its open and landscaped buffer areas. Landscape plans shall be subject to City review, including review by the Open Space and Habitat Commission and the Tree Commission.
- Consistent with the City's stormwater permit and regulations, stormwater runoff shall be captured, conveyed, and detained onsite in a series of bioretention facilities and similar devices intended to filter the runoff, maximize groundwater recharge, and provide deep watering for onsite vegetation.
- To prevent flooding of the channel, stormwater flows shall be retained onsite using swales, ponds, or other appropriate facilities, consistent with City stormwater regulations and system capacity. Stormwater facilities necessary to meet these regulations must be located on-site or on another privately-owned property incorporated within City boundaries. The stormwater facilities should be sized following a joint hydrological investigation with the City.
- The Developer shall install infrastructure suitable for conveying non-potable water to meet all landscape irrigation demands. The Developer shall convert this system to reclaimed/greywater water if and when such service is made available.
- All greywater shall be reused onsite where practical and permissible. The Developer shall install infrastructure (including two-way valves and piping) to support use of greywater from laundry

facilities in all townhomes. The Developer shall also identify opportunities for using greywater in multi-family housing and commercial buildings, and shall install infrastructure needed to pursue such opportunities. The MOA shall review proposed uses of greywater to prevent pollution. The MOA may require owners to revisit/update proposed plans for greywater reuse in the future, and may require installation of additional infrastructure as appropriate.

## Housing

Housing is included in the Project to maximize environmental benefits of mixed-use development. Specifically, including housing alongside commercial buildings and workplaces encourages walking and biking as commuting options, reduces air-quality impacts, and reduces the Project's overall carbon footprint. To further increase the sustainability benefits of onsite housing, the Developer shall commit to the following:

- All Project housing shall be medium- and high-density, incorporating 15–50 units per acre. No single-family detached housing shall be permitted.
- Housing shall be designed to meet the housing needs of the anticipated Project workforce and shall not resemble student-oriented housing found elsewhere in the City. No unit shall include more than three bedrooms. No rental apartment shall include more than two bedrooms.
- Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space<sup>1</sup>. This linkage will correlate the availability of housing with the creation of jobs which will maximize ARC employee occupancy of the housing.
- To provide an opportunity for a car-free lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.
- To minimize transportation emissions, the Developer shall strive to maximize the number of Project housing units occupied by individuals working onsite. To this end, the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.

## Recycling and Waste Disposal

- All buildings and facilities shall participate in a mandatory, site-wide recycling and compost program to be managed by the MOA. Building maintenance staff will be trained in best practices for maximizing commercial recycling.
- All common areas that include disposal options managed by the MOA shall include solid-waste disposal cans, recycling cans, and compost bins.

*To be submitted as part of the updated Environmental Sustainability Baseline Features recommendations to City staff and City Council, after review and approval by the NRC.*

## **Transportation Demand Management** This important section was added by the NRC following its meeting on June 3.

The Project will need to implement a comprehensive set of design features and Transportation Demand Management (TDM) strategies intended to reduce vehicle trips and vehicle miles traveled (and therefore greenhouse gas emissions), encourage the use of alternative transportation modes such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling, and provide safe infrastructure for bicyclists and pedestrians. The desired outcomes of a TDM Plan shall be to reduce greenhouse gas (GHG) emissions and transportation total carbon footprint through a reduction of the Project's vehicle miles traveled (VMT). A key strategy should be shifting away from single occupancy vehicle (SOV) use by incentivizing a mode shift to walking, bicycling, public transit, private transit, and/or 3+ carpool.

- A designated TDM manager shall be identified for the Project. The TDM manager shall represent the Developer, MOA, or other equivalent Project-related body, and shall report directly to the City.

<sup>1</sup> The ratio of one dwelling unit per 3,000 square feet is different ratio than the Developer-proposed one dwelling unit per 2,000 square feet. This directly ties housing to the proposed square footage in each phase of the ARC development, to ensure that housing growth is better matched with job growth at the site.

- Prior to, or concurrent with, adoption of Final Development Agreement, the Developer shall create a TDM plan that includes quantitative goals and temporal benchmarks for shifting away from single-/low occupancy vehicle use. The TDM plan shall also include metrics for assessing progress towards these goals and benchmarks. Responsibility for this task shall reside with the designated TDM manager.
- The TDM plan shall include actions that will result in a reduction of GHG emissions consistent with the City's then current Climate Action and Adaptation Plan (CAAP) and the goal of the City Council to achieve carbon neutrality by 2040. Subsequent phases of the Project shall not be permitted for construction unless the GHG-driven benchmarks for the previous phase of the Project are met.
- The TDM manager shall coordinate implementation of the Project's TDM strategies with UC Davis to ensure that relevant efforts by both parties are aligned and allow for cooperative ventures where appropriate.
- An additional goal of the TDM program shall be mitigation of daily traffic congestion generated by the project by reducing daily SOV trips by at least 33% compared to the business-as-usual (unmitigated) scenario predictions in the SEIR. In other words, at full buildout the project must generate fewer than 16,000 SOV trips per day (compared to the 24,000 trips predicted in the SEIR). This reduction requirement is to be applied incrementally at each phase of the Project. If daily SOV trips for each phase are not 33% lower than the business-as-usual (unmitigated) projections in the SEIR, then construction of the next phase shall not be permitted.
- Prior to the commencement of construction of each phase of the Project, the Developer/MOA shall commission a traffic study which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary beyond those specified later in this document. This analysis will also inform the City on mode share and the potential need for increased public transit services.
- The Developer/MOA shall review and update the TDM Plan every 2 years. The TDM Plan update shall include results of a travel behaviors survey, to be completed annually by the Developer/MOA. The annual survey shall include the travel behaviors of Project residents and employees (e.g., where employees live and by what mode they get to and from work; where residents work and by what mode they get to and from home). The updated TDM Plan, including survey results, shall be made publicly available.
- Prior to Phase 1, the Developer and the City shall agree upon a process for monitoring and evaluating TDM goals on an annual basis, modeled on the process detailed in the Nishi Gateway Project Sustainability Implementation Plan (2015). This monitoring and evaluation process will include an Annual Report, to be transmitted to the City, which details progress towards the actions outlined in the TDM plan and specification of actions required when TDM goals are not met. *(It should be noted that vehicle trip monitoring in the Nishi SIP is a surrogate for transportation GHG emissions, while modeling to estimate actual GHG emissions is preferred for DISC.)*

The Project shall include the following features, in addition to features identified by the TDM Plan, to encourage a shift to alternative transportation modes, such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling:

- The Project shall be designed to accommodate and incentivize private transit, local transit (Unitrans), and regional transit (Yolobus) through the following measures:
  - The Project shall include a central transit plaza to serve as the hub for a variety of mode shares.
  - The Project shall include transit stops located throughout site to ease pedestrian access such that no transit stop is further than 400 meters from any occupied building.
  - The Developer shall petition Yolobus and Unitrans to increase the frequency and capacity of bus service to the central transit plaza as the Project develops. The Developer shall provide funding, if necessary, to the transit services to implement the change.
  - Phase 2 cannot commence until after the implementation of an on-demand electric transit to and from UCD and scheduled electric transit to and from the Amtrak/Capital Corridor station running weekdays including the AM to PM peak commute periods.



- To promote transit use, the MOA shall provide upon request free passes for local and regional transit service (e.g., a unlimited access pass similar to Yolobus and Unitrans' pass for UC Davis undergraduates) to the Project's residents and employees.
- The Project shall include parking to accommodate single-occupancy vehicles (SOVs) and carpool vehicles while also incentivizing other modes of transportation:
  - As part of the TDM plan, the Developer will determine the appropriate number of parking stalls, which may be fewer than City parking minimums. Commercial parking requirements shall be determined by the TDM plan. For residential development no more than one stall per residential unit shall be provided onsite.
  - All employers shall create through the MOA or participate in a regional carpool program that is modeled after and functionally equivalent to the UC Davis goClub carpool program. The program shall be open to all Project residents and employees.
  - Carshare and preferential carpool spaces shall be provided, with the number of appropriate stalls to be specified in the TDM plan.
  - Parking costs shall be unbundled from the cost of other goods and services. A separate fee shall be charged for all parking spaces (commercial and residential).
  - Parking cash-out programs shall be offered by any employer who provides a parking subsidy to employees, to give employees who do not drive a cash benefit equivalent to the value of the offered parking subsidy. The MOA shall be in charge of ensuring that employers comply with this program and shall record participation in the Annual Report.
- The Developer shall provide bicycle facilities and infrastructure comparable to the City's Platinum-level Bicycle Friendly Community Certification to support bicycling within and to the site, including the following features:
  - Provide short term bicycle parking, as required by Davis Municipal Code.
  - Provide end-of-commute facilities (showers, lockers, changing rooms) and support electric bicycle charging in all commercial buildings.
  - Provide covered and secured long-term bicycle parking at central locations within the site and at the central transit hub.
  - Provide community bicycle repair facilities.
  - The MOA shall implement a bicycle share program including electric-assist bicycles for employees and residents to use on and off the Project site.
  - A bicycle network of Class IV protected cycle tracks shall connect bicyclists to all areas of the site and all key connecting streets/facilities.
- The Developer shall provide accessible sidewalks that facilitate pedestrian access within and to the site, including the following features:
  - All pedestrian access routes shall be readily accessible by all users, particularly individuals with disabilities. Street design should emphasize universal design through use of appropriate width, grade, surface material, tactile cues, audible cues, and push buttons. The Developer shall reference the United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), or other appropriate reference.

Site Access and Traffic Mitigation Features This important section was added by the NRC following its meeting on June 3.

The follow measures are recommended to improve site access and mitigate traffic impacts of the Project. The Developer shall fund infrastructure to mitigate traffic problems attributable to the project either wholly, where the problem is mainly caused by the Project, or proportionately, for traffic improvement measures where the Project is a partial contributor to the problem. The intent is to avoid subsidization of the Project by the City providing funding for traffic mitigation measures.

As described below, City approvals will not be granted for different phases of the Project until public and private funding are budgeted and available, and regulatory approvals have been granted. In other words, all obstacles to the start of construction have been removed.

In general, the base conditions will include at a minimum the construction or implementation of all the mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F -

Transportation Impact Analysis, including the “Potential Operational Enhancements” identified in the Traffic Study. Specific projects are highlighted below, but this should not be taken as a comprehensive list. The Developer may propose alternative projects to the City, but these will not be approved unless the Developer can demonstrate that the alternative achieves equal or better site access and/or traffic mitigation without causing other problems.

The desired outcomes of site-access measures are reduction of the Project’s vehicle miles traveled (VMT) through improvements for bicycle, pedestrian, and transit access to the Project site.

- Phase 1 Site Access
  - The Developer shall provide sites for bus stop relocation for Yolobus and Unitrans along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are allowed by the transit agencies.
  - The Developer shall fully fund construction of a new grade-separated bicycle and pedestrian crossing of Mace Boulevard, located near Alhambra Drive.
  - The Developer shall contribute funding to construction of a new Class IV bicycle path and separated pedestrian path on the inside of the Mace Curve between the new grade-separated bicycle and pedestrian crossing (see previous bullet) and Harper Junior High School. Such funding shall be proportional to the use of this facility by Project residents and employees.
  - The Developer shall contribute funding to construction of improved pedestrian and bicycle connections for both north-bound and south-bound pedestrian and bicycle traffic on the Mace Blvd/I-80 overpass and continuing to the Project site. Such funding shall be proportional to the use of this facility by Project residents and employees.
- Phase 2 Site Access
  - The Developer shall petition to reroute Unitrans and Yolobus service off Mace Blvd. and to the central transit plaza and through the Project site. If necessary, the Developer will provide funding to the transit services to implement this change.

The desired outcomes of traffic-mitigation measures are to reduce the transportation total carbon footprint and adverse level of service (LOS) traffic impacts on roads in the Project vicinity, including Mace Boulevard, Covell Boulevard, and I-80.

- Phase 1 Traffic Mitigation
  - Phase 1 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for construction or implementation of all other mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis.
  - The Developer shall contribute funding to the City to study and implement bus rapid (BRT) transit strategies, including a bus signal preemption system on Mace Boulevard and Covell Boulevard for freeway access or local traffic bypass.
- Phase 2 Traffic Mitigation
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for a rush-hour bus and 3+ high occupancy vehicle (HOV) lane and class IV bicycle path on the frontage road north of I-80 (county road 32) to allow traffic to bypass the Mace Blvd east bound on-ramps and west bound off-ramps to I-80.
  - Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for the construction of bus/3+ HOV lanes on I-80 west of causeway between Richards Blvd and the Yolo Causeway.
- Phase 3 Traffic Mitigation
  - Phase 3 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for adding bus/3+ HOV lanes eastbound and westbound on the Yolo Causeway (I-80).

#### Mitigation Measures

The project shall comply with and ensure public or private funding and completion within a two-year period for all Mitigation Measures identified in the Approved Mitigation, Monitoring, and Reporting Plan.

## Implementation

Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at the DISC, a Sustainability Implementation Plan shall be developed and implemented to ensure compliance with the Environmental Sustainability Baseline Features to the satisfaction of the City.

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8 June 2020

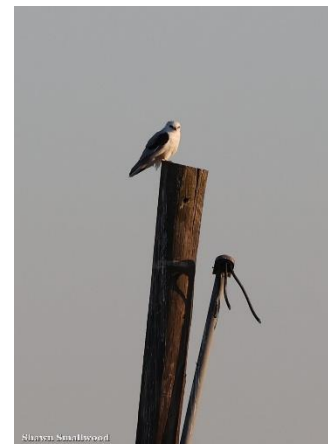
**Re: Aggie Research Campus**

Dear Ms. Metzger,

I write to comment on the City's responses to my comment on the SEIR prepared for Aggie Research Campus, which I understand is now named something else.

**72-2** According to the response, Sycamore failed to detect white-tailed kites on the project site during multiple visits, implying that I did not see white-tailed kites on site as I testified. This finding reflects on Sycamore, but not my observations. The photo that appears in my comment letter was of a white-tailed kite on the project site. That this kite was on the site is further evidenced by the GPS coordinates recorded by my camera and automatically assigned to the photo. I possess additional photos of white-tailed kites on the site, such as Photo 1, where the kite is perched on a pole that is readily recognizable as a pole that occurs on the project site.

**Photo 1.** *Another photo of a white-tailed kite on the project site. The pole used as a perch is readily identifiable as the pole that appears just southeast of County Road 30B where it intersects Mace Blvd.*



The response points out that I did not report the locations of white-tailed kite nests. This is true, and I will not report them still. I will not publicly disclose nest sites of a special-status species. But I will point out that one nest site occurs on the project site.

The response points out that white-tailed kite nests are not reported on eBird. This is also true, and I am thankful for the good judgement of eBird participants who refrain from reporting nest site locations of special-status species. Absence of nest site records on eBird cannot be interpreted as lack of nesting, but rather of good judgement of participants.

The response points out that CNDDDB records do not exist of white-tailed kite nests near the project site, except for one older nest site 1.4 miles away. I have not reported my observations to CNDDDB because my surveys are ongoing. But my own observations aside, lack of CNDDDB records does not mean a species is absent from a site. Consulting CNDDDB is fine for confirming presence of a species, but it is inappropriate for determining absence. CNDDDB relies on voluntary reporting, but not on scientific sampling or access to all properties. The limitations of CNDDDB are well-known, and summarized by CDFW in a warning presented on its CNDDDB web site (<https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>): *“We work very hard to keep the CNDDDB and the Spotted Owl Database as current and up-to-date as possible given our capabilities and resources. However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers...”* Lack of CNDDDB records does not support responder’s argument.

Since the time of my comment letter, I confirmed white-tailed kite nests located within the Biological Study Area (BSA) and 1,800 m from the BSA. A third nest is within 800 m, and a fourth is about 2,540 m distant, but I have yet to confirm the sites of these latter two nests. I have seen generally where the kites are going after foraging on the project site, but I have not yet pinpointed the nest sites of these latter 2 kite nests.

The response also asserts that white-tailed kites are predators of burrowing owls, perhaps implying that even if white-tailed kites use the project site, their occurrences there diminish the site’s habitat value to burrowing owls. I have never seen a white-tailed kite pursue or capture a burrowing owl, nor have I seen any reports of such predation. Furthermore, during several decades of working on burrowing owls, I have witnessed only two successful predatory attacks by raptors on burrowing owls, one involving a red-tailed hawk and the other a peregrine falcon. White-tailed kites do not lessen habitat suitability to burrowing owls, which is in fact proven by the co-occurrence of these species at the project site.

**72-3** The response is outdated regarding occurrences of burrowing owls at and near the project site. Nest attempts failed along CR 30B. As far as I am aware, only one pair remains in the project area, and it has produced chicks. A colleague and I have since found two nest sites far south of Davis. But around Davis, this pair next to the project site appears to be the last remaining breeding pair. The project would take the primary foraging habitat of this last pair of burrowing owls. It is hard to believe the Yolo County HCP would be capable of mitigating the loss of the last of the burrowing owls within the Davis Sphere of Influence. Would the Yolo County HCP import burrowing owls from elsewhere?

If importation was to be the plan of the HCP, then the challenge would be finding surplus burrowing owls from elsewhere. This would be the challenge because burrowing owls are declining throughout their range in California. Many burrowing owls have been displaced by recent industrial solar projects in the Imperial Valley and the Mojave Desert, as well as the Carrizo Plain. The species occurs only in a few locations across

Solano and Sacramento Counties, and few remain in the Bay Area. The largest population in the region, which I studied over the last decade in the Altamont Pass, is in decline (Smallwood, unpublished data).

**72-4** The response characterizes my comments as providing background, but that is inaccurate. My comments shared my findings of species detections on the project site, including of Swainson's hawk and other special-status species. I also described what these species were doing on the site.

**72-5** The response dismisses my observations in Table 1 and my list of species and their occurrence potentials in Table 2 because I did not provide habitat requirements and behaviors of the species I listed. These are false standards, and not entirely true. I provided descriptions of what some of the species I detected were doing, and I provided photographs of some species doing what I said they were doing. But anyway, habitat requirements are irrelevant for the species that I detected on the project site, as well as for the species detected by others on or near the project site (Table 2 of my letter). After all, habitat is defined by a species' use of the environment (Hall et al. 1997, Morrison et al. 1998). For all those species in Table 2 that were seen at or near the project site, the site and its surroundings obviously, and by definition, provided suitable habitat.

The response claims I provided no evidence that the species I listed in Table 2 actually occur in the project area. But I did. Anyone can check eBird to verify the sightings I summarized. Examples appear in Figure 1 for burrowing owl, white-tailed kite, Swainson's hawk and ferruginous hawk. Some of the records include descriptions of what the birds were doing, and some provide photographs.

According to the response, the data base review and site visits that contributed to the SEIR provided ample evidence in support of conclusions in the EIR. This was obviously not true. Members of the public have eyes, and so do I. Our observations of species at and around the project site were no less valid than those of biologists working for Sycamore. And if the environmental review is going to meet the objectives of CEQA, then all sources of information ought to be considered. One CEQA objective is to publicly disclose potential environmental impacts of a proposed project so that decision-makers and the public can make more informed decisions over whether and how to proceed with a proposed project. To meet this objective, CEQA does not require use of CNDDDB as the sole data base upon which to inform the public. Nor do detection survey guidelines for any particular species suggest relying solely on CNDDDB for determining habitat suitability at a site. Public participation with decision-making over proposed projects is another CEQA objective, and one to which the public can contribute via their observations of special-status species on a project site.

**72-6** According to the response the project site is not covered by wheat, but rather sunflowers. Photo 5 of my comment letter shows a red-winged blackbird guarding its breeding territory in wheat this spring. On 7 June 2020, the site remained covered by wheat. Obviously, different crops are grown on the site in different years, and responders' have not gotten up to date on what is grown on the site this year. This year the crop is wheat, which is a crop that northern harriers are known to nest in.



**Figure 1.** eBird observations within 30 days (red symbols) and older than 30 days ago (blue symbols) for Swanson's hawk (top left), ferruginous hawk (top right), white-tailed kite (bottom left), and burrowing owl (bottom right).

72-7 The City did not really respond to my comment.

72-8 Whether tricolored blackbirds actually nest on the project site is irrelevant to my comment. I pointed out that tricolored blackbirds cannot nest successfully without successful foraging both during the breeding season and non-breeding seasons. I

further pointed out that tricolored blackbirds forage in environments different from where they breed.

The response again points to lack of records of tricolored blackbirds in CNDDDB and eBird, but I assert that it is inappropriate to use CNDDDB this way, and I am relieved that eBird records do not report breeding colony locations.

**72-9** The response again argues that because Sycamore did not detect white-tailed kites in the area of the project site, the species does not occur there. This is unfortunate commentary on Sycamore because, as I testified, the project site is currently central to the highest density of breeding white-tailed kites within 10 miles of Davis. One of the nests happens to be located in one of the young Fremont cottonwoods that the SEIR had claimed unsuitable for white-tailed kites. The nest is in the Biological Study Area defined in the SEIR. Furthermore, the response concludes, “*No nesting white-tailed kites were observed during the February and March 2020 burrowing owl surveys.*” But the nesting season is April through June, not February and March.

Finally, the response cites a passage from Erichsen (1995), “*Kites will occasionally use isolated trees, but this is relatively rare. Most nests in the Sacramento Valley are found in oak/cottonwood riparian forests, valley oak woodlands, or other groups of trees.*” On the other hand, Erichsen et al. (1995) reported that all of the nest failures resulting from displacement by Swainson’s hawk, which was nearly half of the nests documented in our study,<sup>1</sup> occurred in riparian corridors. As we reported, features common to successful nest sites included:

- 1) “Nests were in rows (hedgerows between fields) or patches of trees...overlooking low-lying natural vegetation, fallow fields, wet pasture, and alfalfa;
- 2) Low-lying vegetation contiguous with the was at least 50 m x 30 m;
- 3) Nests were <1.5 km from water...;
- 4) Nests were >100 m from roads.”

This year, most of the nest sites are in trees in urban areas, and one is in an isolated Fremont cottonwood at the project site. Nest success has yet to be determined.

According to the response, “*the Draft SEIR does not entirely discount the possibility that white-tailed kites may nest in the trees on-site.*” This is a relief, because white-tailed kites are nesting in a tree on the project site.

**72-10** The response again misapplies CNDDDB. Lack of CNDDDB records does not mean absence of a species.

**72-11** The response says protocol surveys are ongoing and will be consistent with the standards recommended by CDFW (2012). These surveys needed to be completed prior to circulation of the EIR, not after the FEIR. To meet the primary objectives of CEQA,

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<sup>1</sup> Just to be clear, Erichsen and I co-authored the cited paper, along with others, but Erichsen and Commandatore were the investigators who performed the nest surveys. I performed the winter surveys.



the public and decision-makers need to be informed of the results of detection surveys in time for the public to meaningfully comment on them.

**72-13** The response provides more detail on the proposed solar installations, which is helpful. From 7 industrial solar PV projects in agriculture and grassland environments of California (Campo Verde, Centinela, Topaz, Imperial, Calipatria, Midway, and California Valley Solar Project), I estimated from fatality monitoring reports an average 2.06 bird collision fatalities/acre/year (95% CI: 1.79-2.33 fatalities/acre/year) within the PV arrays. This average, applied to 21 acres of proposed PV on parking lots and next to agricultural buffers, would predict 43.3 (95% CI: 37.6-48.9) bird fatalities per year, or 2,165 (95% CI: 1,880-2,447) bird fatalities over 50 years. This would be a substantial impact that has not been addressed in the SEIR nor has any mitigation been formulated for it. This level of unmitigated collision mortality would represent a significant impact.

**72-14** The response characterizes the incidental take permit (ITP) for HCP-covered species as a catch-all for all species, as if the ITP was issued for all of them. It was not. The ITP was issued for particular species. Each of the covered species has uniquely defined habitat.

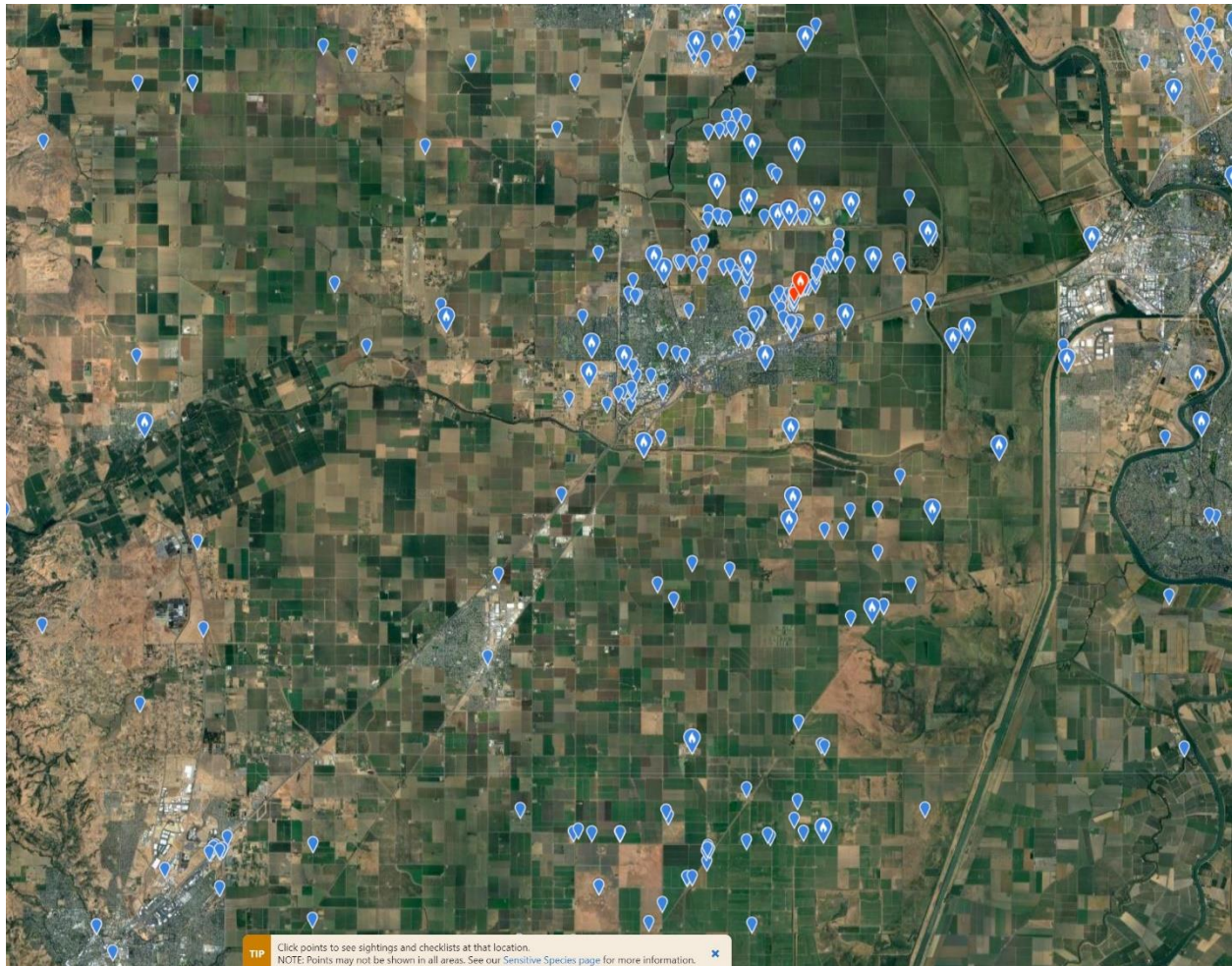
The response characterizes an HCP strategy of creating reserves. However, this strategy remains unproven until reserves exist and it can be shown that Yolo County's special-status species live in them. But the response is accurate in pointing out that my comment focuses more on species conservation than habitat conservation. Habitat loses its meaning when a species is absent. As I commented earlier, if the HCP creates a reserve to conserve burrowing owls and other species, but burrowing owls have already been extirpated from Yolo County by this and other projects, then the burrowing owl mitigation will be meaningless. Habitat without the species is not successful conservation.

**72-15** The response claims that the small extent of burrowing owl habitat that would be destroyed by this and other projects will leave a vast amount of burrowing owl habitat in Yolo County. But see Figure 2, which depicts the locations of burrowing owls reported on eBird over the last 30 days. The model that the response cites only predicts where suitable habitat is located. It needs to be validated for accuracy. If validation surveys were performed now, they would show the vast majority of the predicted burrowing owl habitat to be empty of burrowing owls. This is what I have been finding in multiple long-term sampling plots in Yolo County where burrowing owls used to occur.

The response lists the objectives of burrowing owl habitat preservation that appear in the HCP. None of the listed objectives mention anything about ground squirrels, the existence of which is an essential element of burrowing owl habitat. The poisoning of ground squirrels across many properties is a leading cause of the ongoing decline of burrowing owls, yet the HCP is silent on ground squirrels.

The last HCP objective of preserving 2 nesting pairs within Yolo County's preserves for each pair lost to development activities will be meaningless with the loss of the last breeding pair within the Davis Sphere of Influence. If no burrowing owls are left, how

can this objective be met? Given the current situation with burrowing owls on the brink of extirpation from Yolo County, the EIR should provide a more explicit mitigation plan than simply dumping the problem into the lap of the HCP. The HCP's strategy will implement too late for burrowing owls.



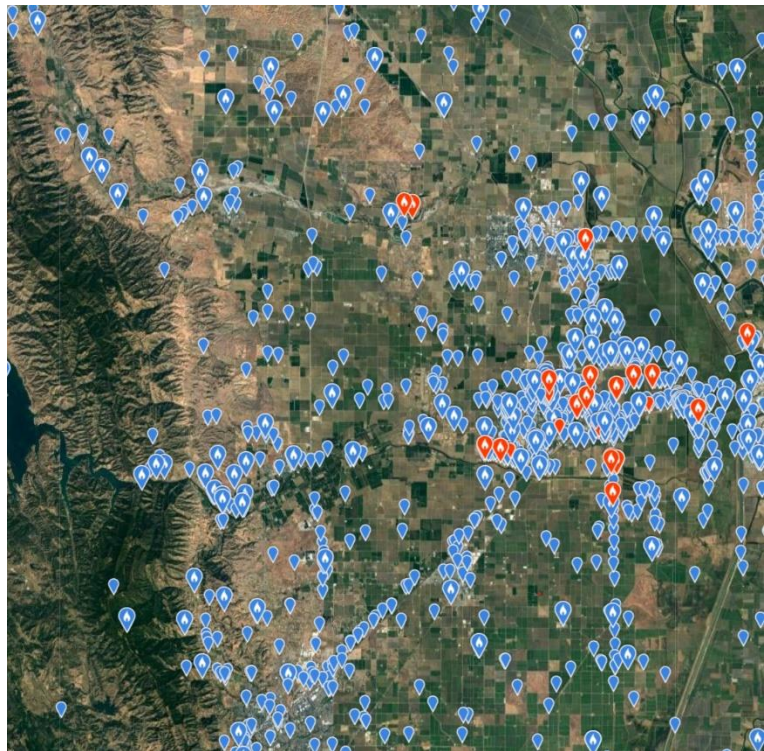
**Figure 2.** eBird records of burrowing owls in the last 30 days (red symbols) and older records (blue symbols) across the Valley portion of Yolo County. The only recent records are at the proposed project site and across the street from the project site. I am aware of 2 nest sites in south Yolo County, but so far this is it – I can confirm only 3 pairs remain.

**72-16** The response says the HCP was analyzed carefully and all the participating agencies agree it will effectively conserve species in Yolo County. I have seen all of these expressions of confidence with past HCPs, and I can point to one HCP that appears to be meeting stated objectives. I hope the Yolo County HCP succeeds in conserving our species of wildlife. But I have reviewed many HCPs that have come nowhere close to meeting objectives (Natomas, San Joaquin, Bakersfield, West Riverside, San Diego, among other HCPs). Most have not protected habitats at the levels promised. Those that promised monitoring to assure performance standards are met, such as maintaining threshold numbers of each species conserved, typically started the

monitoring late or never achieved the level of monitoring promised. Most have not demonstrated achievement of conservation goals. Rather than repeating all the accomplishments that have yet to occur in the Yolo County HCP, it would help to point to successes of other HCPs or to studies that summarize successes. This would help to inform the public and decision-makers about whether and to what degree project impacts might be mitigated by the Yolo County HCP.

**72-17** White-tailed kites do not occupy 268,230 acres of modeled habitat in Yolo County. They probably did so years ago, but not anymore. The species is declining while City of Davis claims there are plenty. See Figure 3 for the recent distribution of white-tailed kites in Yolo County. Notice that most of the recent sightings are in and around Davis. The species' range in Yolo County has become much more restricted, and the population size dangerously small. And again, the strategy of the Yolo County HCP is likely to implement too late to conserve this species.

**Figure 3.** Recent eBird sightings (red symbols) and older sightings (blue symbols) of white-tailed kites in the valley portion of Yolo County. Other than a pair of sightings along Cache Creek, a single sighting in southeast Woodland, and a sighting northwest of West Sacramento, all of the recent sightings are in and around Davis.



**72-18** City of Davis responds by promising 3 artificial nest boxes for burrowing owls along the project's agricultural buffer. I have studied the efficacy of artificial nest boxes at two large study areas, one of which resulted in a published paper (Smallwood and Morrison 2018) and the other of which will be published soon. What I found were widespread failures of artificial nest boxes to host burrowing owls beyond a year or two. Artificial nest boxes lose their effectiveness in the absence of ground squirrels and in the absence of routine maintenance. Ground squirrels are of critical importance to burrowing owls for the mutual predator alarm-calling each species provide each other. I studied this relationship between ground squirrels and burrowing owls over the last decade in the Altamont Pass (first reported in Smallwood et al. 2013), and found burrowing owl nest success increases with increased numbers of ground squirrels within

25 m, and ground squirrel persistence through the spring and summer months increases with the presence of burrowing owls. I also found that burrowing owls decreased where ground squirrels decreased, and they did not occur where ground squirrels were absent.

The City should already know that artificial nest boxes have had a poor history of success in Davis. Many nest boxes have been installed in Davis, and none of them are used by burrowing owls anymore. Wherever squirrels were available, burrowing owls moved from nest boxes to squirrel burrows. And where squirrels disappeared, so too did the burrowing owls regardless of any nest boxes.

That the City now proposes to preserve ground squirrels in the agricultural buffer is an improvement. Preserving ground squirrels would provide burrowing owls a chance. A plan is needed, however, on how ground squirrels would be preserved. How would nuisance complaints be resolved? How would house cats be kept away from the agricultural buffer? A burrowing owls and ground squirrel monitoring plan is needed, as well.

**72-19** The response claims that avian mortality caused by collisions with solar PV panels would be “limited,” whatever limited means. The available data supports a prediction of 43 avian collision fatalities per year, accumulating to thousands over several decades. It is just this sort of impact, characterized as “limited” and repeated at many places across North America, that resulted in the recently reported 29% decline in overall bird abundance across North America over the past 48 years (Rosenberg et al. 2019). The report of this decline came at about the same time California’s Governor signed AB 454, which amended California’s Fish and Game Code section 3513, thereby extending Migratory Bird Treaty Act protections to California’s birds. In response to widespread declines of birds, California added protections that ought to be considered in the EIR for this project. We are losing our birds at a rapid rate, and with unknown but likely large ecological and economic consequences. City of Davis needs to take each new proposed project more seriously.

Thank you for your attention,



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Shawn Smallwood, Ph.D.

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June 9<sup>th</sup>, 2020

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Re: Proposed Plan for the Davis Innovation Sustainability Campus

Dear Mr. Webb,

This letter is in response to the City's request for review of the proposed Davis Innovation Sustainability Campus (DISC). Thank you for inviting SACOG to comment on this project as it relates to the Preferred Blueprint Scenario map and principles. SACOG provided a blueprint review letter on October 2, 2015 for a former iteration of this project, which at that time was called the Mace Ranch Innovation Center. Since that time, the applicant has revised the proposed project and is seeking approval and annexation into the City of Davis.

The proposed DISC project is located on 185-acres, immediately east of the Davis city limits, near the "Mace Curve", in unincorporated Yolo County. The campus would have up to 2,654,000 square feet of non-residential floor area, including 1,510,000 square feet of office/research and development/laboratory space and 884,000 square feet of advanced manufacturing/prototyping/product testing space. Unlike previous iterations of the project, the proposed DISC project includes a housing component. The 850 units included as a part of DISC average 30 units/acre with 280 medium density owner-occupied units and 570 high density renter-occupied units. While the method for meeting the project's affordable housing obligation are still under consideration, the project's fiscal and economic impacts report projected the project would pay \$9,560,000 in affordable housing impact fees. The proposed DISC will also include a transit hub, as well as new roads, walkways, and bicycle paths connecting to the existing transportation and trail network.

The proposed project was compared to the Preferred Blueprint Scenario. The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. For this reason, it is not possible to apply them at a parcel level.

Findings and Evaluation:

Auburn  
Citrus Heights  
Colfax  
Davis  
El Dorado County  
Elk Grove  
Folsom  
Galt  
Isleton  
Lincoln  
Live Oak  
Loomis  
Marysville  
Placer County  
Placerville  
Rancho Cordova  
Rocklin  
Roseville  
Sacramento  
Sacramento County  
Sutter County  
West Sacramento  
Wheatland  
Winters  
Woodland  
Yolo County  
Yuba City  
Yuba County

- The proposed plan offers non-motorized transportation opportunities, which are consistent with the Blueprint transportation choice principle. The proposed transit plaza will provide Unitrans bus stops, as well as local shuttle and vanpool stops, and parking for car-share. Walkways are included throughout the project. The proposal also includes a pedestrian/bicycle corridor within the agricultural buffer, which provides connections to the existing pedestrian trails system and regional bike trail, as well as to bike lanes on existing roads adjacent to the site. The plan also incorporates bicycle amenities, including bicycle parking and a bike storage and repair area at the Transit Plaza. One of the concerns SACOG outlined in the 2015 letter for the prior project proposal on this site was that the project included traditional parking ratios that may be higher than necessary after accounting for the type of innovation businesses targeted for the project and the trip reduction benefits of the project's transportation demand management strategies. The current proposal reduced the parking stalls from 6,032 spaces in the Mace Ranch Innovation Center Mixed-Use Alternative to 4,340 spaces in the current proposal. In fact, the applicant notes that while the multifamily housing is proposed at 1 space per unit, there is an option to reduce this ratio further to 0.5 space per unit. This reduction will better reflect the Blueprint principles, will allow for more affordable housing design, and will make more efficient use of the space.
- The proposed plan also includes parks, open space, and agricultural buffers consistent with the Blueprint natural resource conservation principle, including greenways, commons, courtyards, orchards, and plazas. The agricultural buffer will also provide opportunities for community gardens, organic agriculture, trails, shade trees, and native plant habitat. While the project will convert agricultural land to urban uses, the site is already bordered on two sides by urban development and permanent agriculture easements on its other sides. The Blueprint envisioned the need for some small, targeted expansion of the city limits in order to accommodate some of its future growth.
- Housing choice and diversity is an important Blueprint principle for ensuring that multiple segments of the housing market can be met. The Blueprint, as well as every MTP/SCS update since then, has identified the need for more attached housing in the region in order to meet the needs of current and future residents. In Davis, the Blueprint assumes a significant portion of the housing growth, roughly two-thirds, is attached housing including apartments, townhomes, condominiums, and mixed-use projects. The range of multifamily units proposed in the project offers housing types that are different from the single-family products in the neighboring Mace Ranch, Cottages North, and El Macero Estates subdivisions. The 850 units included as a part of DISC are average 30 units/acre with 280 medium density owner-occupied units at 25 units/acre and 570 high density renter-occupied housing units at 35 units/acre. This mix of housing types, densities, and sizes would also correlate to a range in prices and rents that is expected to be more affordable than the average home in the area.

- The project also illustrates the benefits of the Blueprint principles of mixed use and compact development. Districts that are both compact and mixed in uses are efficient in their use of land and resources, but also function as local activity centers, where people tend to walk or bike to destinations, use transit more frequently, and take shorter auto trips. By including some housing and including horizontal and vertical mixed use elements, the project will likely have lower GHG emissions than if those elements were not included.
- Quality design is one of the seven Blueprint principles that is important as new development is added to neighborhoods. It's clear that the City's design review process is working to ensure this project it integrates well with the surrounding area.
- Mixed-use development is a Blueprint principle that can be used to describe the importance of area-wide balancing of housing and employment. The ultimate purpose of the Blueprint is to demonstrate development patterns that improve quality of life for both workers and residents. Building homes, shops, offices, entertainment, schools, and other uses within walking distance helps create active, vital neighborhoods. A community designed with a good, or balanced, mix of uses helps to encourage walking, biking, shorter driving trips, and transit use. It is important to have a balance of jobs and households so that jobs or housing do not have to be imported or exported beyond the normal out- and in-commuting that happens in a mobile society. All else being equal, areas with high or low jobs-housing balance are likely to generate longer commutes for workers and higher greenhouse gas emissions from transportation. This is especially pertinent for employment centers.

The Blueprint study revealed the need to plan for more mixed use and housing to create a better jobs/housing balance in the UC Davis and City of Davis area, which is currently jobs rich. The proposed DISC project includes a mix of both housing and employment, which mitigates potential jobs/housing imbalances exacerbated by a new job center and results in the opportunity for short work trips. It includes the features of an active, vital neighborhood that will include quality of life for residents and workers, implementing the spirit of the Blueprint.

While the proposed DISC project includes 850 units of housing, the campus would also include over 5,000 new jobs. The 850 units will mitigate some housing pressure, but will ultimately not be enough to accommodate all the employees of the proposed project. No single project is responsible for maintaining perfect jobs/housing balance. However, given that the Davis/UC Davis area is already jobs rich and the proposed DISC project will add significantly more jobs than housing, we encourage the City to identify substantial additional housing capacity within Davis to accommodate existing and future need for housing.



While not a Blueprint principle, it should be noted that the proposed project would provide economic benefits to the City and the region. SACOG participates as a regional partner in the implementation of Our Path Forward: the Prosperity Strategy. This document outlines six core strategies aimed at creating a more prosperous, equitable, and resilient region. The first two strategies are related to expanding and supporting growth in industry clusters where the region has a competitive advantage, including food/agriculture, health innovation, and life sciences. The proposed DISC project includes many of the Prosperity Strategy's initiatives to catalyze growth in these industries. Specifically, the DISC will include dry and wet labs, space for research/incubator start-ups, university spin-off research programs, spaces for prototyping and manufacturing, and space specifically for ag tech, med/bio tech, and clean tech.

Overall, the proposed plan meets the spirit of the Blueprint growth principles and provides economic prosperity benefits. However, the city could further maximize the Blueprint benefits of this unique project by planning for additional housing capacity within the city to accommodate the increased housing demand that will accompany the economic activity generated by the project. Again, thank you for inviting SACOG's input on this project. If you have further questions or need further assistance, please don't hesitate to contact me.

Sincerely,



James Corless  
Executive Director

CC: Lucas Frerichs, City Councilmember  
Ashley Feeney, Assistant City Manager  
Sherri Metzker, Principal Planner

voter approval pursuant to Measure R. The sub-committee met and completed its task. On May 7, 2020, the Tree Commission voted to recommend approval of the following:

## **Tree Commission Recommendations for Aggie Research Center (ARC) Business Park**

### **Overview**

- I. Measure R Baseline Project Features
- II. Other Tree Commitments for Inclusion in Development Agreement
- III. Burrowing Owls Statement

### **I. Measure R Baseline Project Features**

- A. Tree Quantity - The Aggie Research Center (ARC) Business Park development will have a minimum of 4,000 trees, as defined in the City of Davis Tree Ordinance, provided by the developer with the following goals
  - 1. Bike paths: 80% canopy coverage after 15 years
  - 2. Parking lots: 50% canopy coverage after 15 years or solar arrays at the time of lot construction
  - 3. Manufacturing area: 15% minimum canopy coverage after 15 years
  - 4. Housing, mixed-use, office R&D and commercial areas, including hotels: 30% canopy coverage after 15 years
  - 5. Parks: 30% minimum canopy coverage after 15 years
  - 6. Bike paths to the west of the project, if built as part of ARC proposal, will have 80% canopy coverage after 15 years and will be in addition to the 4,000 tree requirement for the development.
  
- B. Best Practices - The project will have a Tree Management Plan. The Tree Management Plan will allow for each tree to have an assigned number to easily locate and identify specified trees.
  - 1. There shall be habitat and species diversity in the AG buffer. Species should be a mix of valley oak woodland, grassland/burrowing owl habitat, and seasonal wetlands swales.
  - 2. Tree plantings must include drought tolerant and climate-ready trees. There will be a minimum of 200 locally native *Quercus sp.*, Oak trees.

3. In the open space area along the east/west ditch, through the middle of the proposed project shall include at minimum 50% California central valley native riparian tree species.

4. There will be hedgerows planted with native species including *Heteromeles arbutifolia*, Toyon, *Ceanothus sp.*, Ceanothus, *Arctostaphylos sp.*, Manzanita, *Fremontodendron californicum*, Fremontodendron, *Cercis sp.*, Redbud, and *Rhamnus californica*, Coffeeberry, especially on the edge of the 50-foot portion of the AG buffer.
5. A preference for permeable paving throughout the project.

#### C. Tree Planting Specifications and Irrigation

1. Structural soil and/or suspended substrate pavement shall be used in parking lots.
2. A preference for permeable paving is highly recommended around trees.
3. When planting in parking areas or along paved walkways, developer will size pavement treatment area to adequately accommodate the tree varietal's intended size.
4. All tree plantings must comply with ANSI A300 Standards and be inspected before backfilling.
5. Irrigation is required and must be indicated on the landscape plans.

#### D. Phasing of Tree Planting

1. Inner 50 feet of Ag buffer (public access and bike path area) to have all tree planting in early part of Phase 1, including those trees that will provide 80% shade for bike path
2. Riparian area on drainage channel to be completed in Phase 1
3. Trees for the large park on central west side of development to be in Phase 1 with park completion
4. Outer 100 feet of ag buffer to be planted in Phase 2

#### E. Follow-up Tree Care Guarantees for Success

1. Developer or successor to pay the City for arborist services to annually monitor all trees in the project. (indefinitely)
2. Financial penalties to be specified in development agreement and determined at the start of each phase.

3. The tree maintenance in the Ag buffer shall be funded by a special assessment district as is described under 40A.01.050e “The city reserves its right to form a special benefit assessment district, or other applicable district as is permitted under state law, and to maintain the agricultural buffer and transition area once the land is improved, dedicated, and annexed.” The district will include the entirety of the ARC business park.

F. Inspection Protocol

1. Robust annual inspection and documentation protocol to ensure the City of Davis Tree Ordinance is followed. This inspection includes tree canopy, irrigation needs, and any need to adjust, fix, prune, and/or replant any trees.
2. Every stage of the development will be reviewed by the Tree Commission.

## II. Other Tree Commitments for Inclusion in Development Agreement

- A. Consequences - Immediate financial consequences, shall be determined if the trees are not planted or trees are not being maintained per the tree management plan for the property. Consequences should incentivize initial compliance.
- B. Reimbursement Protocol to City from Developer
  1. Developer will reimburse the city for the full cost of both initial plantings and the annual follow-up care.
  2. City shall inspect the plantings prior to accepting the project.
  3. The Full Cost of Care includes the City Arborist’s time to undertake the review of the trees and/or the cost to supervise an outside Arborist hired by the City (possibly subcontracted by Tree Davis) to undertake the review of the trees.
  4. Cost of any new trees and their proper follow-up for the next phase of tree life.
- C. Extra Costs - Incurred when the Developer/Contractor/Etc. allow for improper plantings that have not been signed-off as having any of the following:
  1. The proper tree planted
  2. The proper sod and groundcover installed

3. The proper standards for width and depth of dirt hole size for specified tree
4. The proper follow-up tags assigned for next Phase of Tree Life

#### D. Phase of Tree Life

1. Each tree is assigned a unique identifier number that provides the following tree information:
  - a. Name
  - b. Unique specifications determined by planting-to-spec details (Parking lot vs. suspended pavement vs. structural soil)
  - c. Location within the development
  - d. Phases
  - e. Progression
  - f. Replacement, if needed
  - g. Photo documentation
2. Allowed under approval by City Arborist and/or City hired Arborist  
Photos must include:
  1. Tree Unique Identifier Number - shown large enough to read.
  2. Hole depth and width shown along with a measuring stick - from two angles with root ball in place but not covered showing proper hole width and depth
  3. Root ball Cleared - shown from different angles that circling roots are cleared
  4. Root crown showing after dirt is filled in hole
  5. New Stakes
  6. Root ball right depth
  7. Nursery stakes removed
  8. Tree Canopy

**III. Burrowing Owls Statement** - The City of Davis Tree Commission is sympathetic to burrowing owls but find it to be the Open Space and Habitat Commission and Natural Resource Commission purview to oversee burrowing owl protection and our tree recommendations and requirements should be understood and implemented to fit with those other commission recommendations for burrowing owl protections.

**Nicholas Villarreal**

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**From:** Alan Pryor  
**Sent:** Wednesday, June 10, 2020 12:29 PM  
**To:** Planning Commission  
**Subject:** \*\*\* THE PLANNING COMMISSIONS IS BEING "PLAYED" \*\*\*

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

**THE PLANNING COMMISSIONS IS BEING "PLAYED" BY STAFF IN ORDER TO  
RAM THROUGH THE DISC PROJECT UNDER ARTIFICIALLY IMPOSED  
DEADLINES**

Dear Commissioners -

Tonight you have before you a 1,000-page Final EIR for which you are being asked to recommend certification but you have had only a little over a week to review it. You have had a 600-page Staff Report before you for less than a week but you are being asked to approve Baseline Features for a project that is 4 times larger than anything the City has ever seen before.

So if you feel like you are being railroaded by the Staff to bum rush this project through without being given the time to carefully deliberate and properly consider the huge implications of this massive undertaking, *you're exactly right!*

But this is not accidental or due to the pandemic as Staff would have you believe. Staff and the Developer have intentionally planned (a less polite term to use would be "*schemed*") to get this matter to you at the last possible date to give you as little time as possible to review this project.

Indeed, they have created an artificial deadline to get this before Council because they know that the less time you have to do a careful review of the project, the more likely it is that you will hustle it on to Council without any substantive changes...*and this clearly benefits the Developer.*

But you are not alone here. Every single other Commission that was asked to to review this project (or *demande*d to review it in the case of the NRC and Tree Commissions) was also delivered huge packages with very little time to sufficiently weigh the information or properly prepare before their respective meetings.

In fact, almost every single document that has come from the Developer and Staff was delivered to the respective Commission at the last possible moment to avoid Brown Act violations...*just as Staff has done here with the Final EIR and their Staff Report to you.*

In the case of the F&B Commission, they were even given a key lengthy response by the City's financial consultant literally two hours before the meeting in which they were asked to opine that the project would be profitable to the City.

In the cases of the NRC, BT&SSC, Open Space, and Tree Commission meetings, they were told that if they did not submit their recommended Baseline Features of the project *that very night* of their meetings, that there would not otherwise be enough time for Staff to include it in their reports to you.

So every single one of these Commissions scheduled a special meeting on which the main agenda item was a review of the Baseline Features. Yet their work products before you tonight making suggestions to improve these Baseline Features have been summarily rejected by Staff – often with no more of an excuse that the project "*would not be feasible*" if these suggested improvements were implemented but otherwise not providing any proof to substantiate their claims.

So why did Staff even bother with this charade of getting Commission input if they had no intention of recommending to the Planning Commission that any of the suggested improvements forward be adopted. Well, it's because then Staff can otherwise tell the Council before their upcoming meetings and the Developer can tell the public during the subsequent election that the project was "*thoroughly reviewed by the Commissions*" – never mind the fact that almost every Commission's input was almost universally rejected by Staff and the Developer.

Now Staff will tell you, "*Oh but we really, really wanted to get all of this to you in a more timely manner. But there was this once-in-a-lifetime pandemic so a lot of Commissions missed a meeting in March that would have allowed a have allowed a more measured response.*" **IT'S NOT OUR FAULT!"**

But that would be complete and total BS. The reality is that many people (including myself) started pleading with Council last October to please, please start the Commission review of this project as soon as possible to allow for a thorough and complete review. But it was to no avail and nothing at all really happened until March in the dead middle of the pandemic.



For one example, the Developer has had years to get the EIR out for review by everybody. They even already had a previous EIR certified for MRIC almost 4 years ago!. But the latest Draft SEIR was held back from release until absolutely the last possible moment to ensure there could be only the statutory minimum required review period of 45 days for people and the Commissions to give their comments.

So then why is Staff now asking the Planning Commission to wade through 1,000 pages on an EIR and a 600 page Staff Report in a little over a week to try to not only certify the SEIR tonight but also to agree to a set of Baseline Features that are the very backbone of this massive project.

Well the answer is obvious...*Staff really does NOT want your considered review and deliberative input!* Staff wants you to rubber-stamp this project immediately to get it to the Council so it can be put on the ballot at the last possible date for the November election.

Long time Commission members know that this is the exact same playbook Staff has used for the past two Measure J/R votes. And I'll bet any amount of money that there is a spreadsheet sitting somewhere on the Developer's and Staff's desks that shows a detailed time-line of exactly the last possible dates to get this information before you and the other Commissions so that Council can ultimately approve it on July 7 - the very last possible date to get it on the ballot in November.

But the thing is, this November election deadline itself is entirely an artificially constructed deadline set by the Developer. There is no reason to rush this forward because, as the Developer claims, the opportunity to grab a major tenant is shrinking fast. In fact, virtually all planning for all new major office building construction projects (even if already fully entitled) have stopped dead in their tracks because the world has changed so dramatically due to "new normal" in telecommuting brought on by the pandemic.

And even before this pandemic the demand for these types of major sprawling business parks was decreasing fast. Indeed, the Woodland Innovation Center has been trying for years to line up their first major tenant for their multi-hundred acre project that is even closer to UCD than DISC - and they have come up with goose eggs for all their efforts.

Even the Developer is saying this project is going to be a 30-year+ build-out so there is going to be lots of time to work out the details later – but only *after he is given the*

*blanket zoning entitlements now!*. Ash Feeney himself has publicly acknowledged to the Finance and Budget Commission on direct questioning that that the current economic environment probably means no building will occur anytime soon and the property could just lay fallow for years until the financial crisis passes and conditions improve. So there is no need to rush to get this project before the voters now as the Developer and Staff otherwise claim. It is much more important to get it right before it is sent on to the Council and the voters.

Careful pre-planning now is even more important with this project because it has such little specificity. This is because the Developer and Staff are asking for zoning change entitlements for land use with very few actual details given for the subsequent projects. So it is imperative that we get the right markers set in the field *NOW* on how the project should look in the future to ensure that we have some assurances that future specific proposals brought back will be reasonably close to what we were promised.

So please do not be rushed into hasty approvals or recommendations asked by Staff unless you have had all of your questions answered in detail and the project has the appropriate safeguards in place to truly make it a beneficial project for the City and one of which we can be proud.

Thank you for your consideration

Respectfully submitted,

Alan Pryor

Alan Pryor  
916-996-4811 (cell)

**Nicholas Villarreal**

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**From:** Colin Walsh  
**Sent:** Thursday, June 11, 2020 12:01 AM  
**To:** Planning Commission  
**Subject:** adjournment

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please allow email and other documents received to me accepted before the next meeting.  
you can end the public hearing then

## Nicholas Villarreal

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**From:** Janet M. Laurain <jlaurain@adamsbroadwell.com>  
**Sent:** Wednesday, June 10, 2020 4:29 PM  
**To:** Sherri Metzker  
**Subject:** Aggie Ranch Campus Project

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

Hi Sherri,

Can you please tell me if a date or a projected timeline for the City Council hearing on the Aggie Ranch project has been determined?

Thank you, in advance, for your help.

Janet Laurain

Janet Laurain  
Adams Broadwell Joseph & Cardoza  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080  
[jlaurain@adamsbroadwell.com](mailto:jlaurain@adamsbroadwell.com)

## Nicholas Villarreal

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**From:** Daniel Ray <dan.rayathome@gmail.com>  
**Sent:** Monday, June 8, 2020 9:15 AM  
**To:** Sherri Metzker  
**Cc:** Cheryl Essex  
**Subject:** Aggie Research Campus SEIR -- failure to acknowledge or respond to my comments re Inadequacies of the Aggie Research Campus EIR  
**Attachments:** aggie research campus.docx

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

I'm puzzled by the response to comments on the SEIR for the Aggie Research Campus, which were sent to you on April 24 and are repeated below, As you'll see below, I made extensive comments about shortcomings of the SEIR, and yet rather than reprinting and responding to it, the SIER's response to comments, the comment attributed to me in the Final SEIR is simply a sign-up sheet for the scoping meeting the city held on the SEIR and copies of handwritten comments submitted at that time, other than the handwritten comment that I submitted at that meeting and that I reference in my April 24 text etter inserted in the e-mail below.

Please call me at 530-219-7541 to suggest how this oversight can be remedied. The final SEIR needs to include responses to all comments, and so it would seem the current draft isn't adequate and its approval needs to be deferred until this error is remedied.

The text of my April e-mail + the inserted letter are below, I did receive several days after the EIR comment deadline a response acknowledging receipt of my e-mail..

Please see my comments, which are inserted in this e-mail

Could you please confirm receipt of these comments by replying to this message. I tired to reach you a few days ago with questions about the SEIR but received no reply.

## Nicholas Villarreal

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**From:** Matt Williams  
**Sent:** Thursday, June 11, 2020 4:07 PM  
**To:** Sherri Metzker  
**Cc:** Ashley Feeney; Cheryl Essex  
**Subject:** Attachment 6 of Staff Report -- Staff response to OSHC recommendation regarding Agricultural Mitigation  
**Attachments:** Cache Creek Flooding scenario\_3.mp4

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

Sherri, I was going through Attachment 6 of the Staff Report from last night's Planning Commission public hearing on DISC, and read the first OSHC recommendation for the Baseline Features, as well as staff's response. Here is the recommendation and response:

OSHC Recommendation = "The Open Space and Habitat Commission recommends that, if the City Council approves the Davis Innovation & Sustainability Campus project, the following project features should be included in the project's "Baseline Project Features" and/or Development Agreement Project Proposal Response to Commission Recommendation OSH1. The agricultural mitigation land should be located within the Davis Planning Area"

Staff's Response = Section 40A.03 of the Davis Municipal Code requires 2:1 mitigation and gives locational requirements. Included in the Baseline Project Features: At full build-out, developer shall have purchased agricultural conservation easements over 342 acres of local agricultural lands, thereby ensuring their preservation consistent with City Ordinance and subject to City approval.

I have three questions:

1. Can you please provide me with the Assessor Parcel Numbers (APNs) of the 342 acres?
2. My mathematical calculation of the 2:1 ratio times the 228.5 acres being converted from Agricultural to Urbanized yields a minimum of 457.0 acres of needed mitigation.
3. I believe the mitigation needs to be in place not at full build-out, but rather at the point in time where the Agriculturally zoned acres are converted to an Urbanized zoning designation. Is there a reason for that deviation from the provisions of the Davis Municipal Code?

Thank you for your attention to this clarification question.

All my best.

Matt Williams

P.S. please pass on to Fehr and Peers my thanks for the thorough and educational answers to my Transportation questions. FYI, I have attached a video of the type of flow representation I was ideally

looking to see regarding where the respective peak traffic volumes flow to. I do realize moving flood waters are quote different than moving vehicles, but I believe a vector video like the one attached would promote considerably heightened understanding of traffic flows by the general public. I do know that such a vector flow video is far beyond the scope of the EIR process.

## Nicholas Villarreal

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**From:** Todd Edelman  
**Sent:** Tuesday, June 9, 2020 12:21 PM  
**To:** Planning Commission; Natural Resources Commission  
**Cc:** Brian Abbanat; William Bolte; Elizabeth Hare  
**Subject:** BTSSC sub-committee DRAFT Proposed Transportation Baseline Features for DISC  
**Attachments:** 6A-BTSSC DISC Subcommittee Draft Baseline Features.pdf

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Dear Members of Planning Commission and Natural Resources Commission,

Please see attached, a supplement to the packet for this Thursday's meeting of the BTSSC.

Please note this is a DRAFT from our sub-committee; the entire BTSSC Commission will discuss, amend and vote on it on Thursday.

Thanks,

Todd Edelman

BTSSC - Sub-Committee on Transportation Baseline Features for DISC

415-613-0304



## Nicholas Villarreal

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**From:** puma@dcn.org  
**Sent:** Wednesday, June 10, 2020 9:21 AM  
**To:** Planning Commission  
**Subject:** City's responses to comments on ARC  
**Attachments:** Smallwood replies to responses to comments on Aggie Research Campus EIR\_060820.pdf

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

Dear Commissioners,

I attached my replies to responses to comments on the SEIR that was prepared for Aggie Research Campus. I sent these replies to the City on 8 June.

Thanks for you consideration,

Shawn Smallwood

## Nicholas Villarreal

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**From:** Tim Keller <tkeller@inventopia.org>  
**Sent:** Tuesday, June 9, 2020 9:59 AM  
**To:** Planning Commission  
**Subject:** Comment for DISC Planning Commission Hearing

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

Regarding Economic Development, Our Startup Ecosystem and the DISC

My Name is Tim Keller, I am the founder and executive director of Inventopia, which is our city's only independent business incubator, currently serving over a dozen startup companies in our space on 5th street.

I am in support of the Davis Innovation and Sustainability Center. Davis badly needs more commercial real estate in general

My street level view of the entrepreneurial activity in this town have shown me that a lot of the conversations around this project are based on a couple of false assumptions – and I think it might be helpful correct those assumptions

First is the notion that economic development for Davis means bringing companies here. This IS how most cities think about economic development, but it is the wrong mindset for us. Davis, by virtue of being host to a massive and well funded research university is one of the few communities where new technologies and companies are BORN. We do not need to attract companies to our city, we need to keep them from LEAVING. I know this from personal experience, and I meet a lot of entrepreneurs whom I dont have room for in Inventopia, who end up leaving town.

Making sure that we do not lose the companies that start here, with local founders, needs to be our first priority - well before we put any time and resources behind trying to recruit companies from outside.

Second is the Idea that when a larger company like BASF for example comes to Davis means that people from outside Davis will be coming here. That is NOT what is happening. When the larger companies come to Davis, they are coming here for our intellectual capital - They are coming here because they want to hire people who already live here. This means jobs for people IN-town, who currently have to work out of town. When people talk about the traffic impacts of this project, I think they almost universally mis-understand this concept.

So Davis needs the DISC development. We need it badly. The only thing that I would like to propose as an amendment to the development agreement is some kind of assurance that an incubator type of organization such as inventopia has the ability to purchase a significant plot in the development in order to develop the specific type of very flexible, high-utility spaces that are needed by startups.

Given that developers such as Buzz Oates normally do not work with startups, or develop those kinds of spaces, the best way to make sure that startups are a robust part of the DISC is to ensure that an organization such as Inventopia will be able to purchase and develop its own facility there, to serve the startup community in the long run.

With that sole amendment I encourage the commission to approve this development and pass it forward in the approvals process.

**Tim Keller**

Executive Director

[tkeller@inventopia.org](mailto:tkeller@inventopia.org)

c: (707) 235-3730

## Nicholas Villarreal

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**From:** Roberta Millstein  
**Sent:** Wednesday, June 10, 2020 5:30 PM  
**To:** Planning Commission  
**Subject:** Comment on item 5, DISC project

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

(I apologize for the lateness of these comments.)

Dear Planning Commission,

Thank you for your gargantuan service in evaluating the over 1000 pages of DISC SEIR and staff report. If you could get through all of that in the short time given to you, you have my highest admiration. If you couldn't, I would certainly understand and sympathize. So as chair of the Open Space and Habitat Commission I wanted to highlight a few things, speaking for myself alone.

One is that the use of the Mace 25, purchased with taxpayer Measure O open space funds, has not been completely taken off the table, in spite of an outcry from members of the public and from the OSHC itself. There are both legal and ethical concerns about using the Mace 25 for the project's required ag buffer.

According to the staff report, the City has confirmed the legality of using open space funds for this purpose as well as the legality of the developer not being the one to provide the land for the ag buffer, but no detail is given. I believe that the legality of these uses, highlighted by the OSHC in its comments on the SEIR, is still in question and needs to be evaluated.

As for the ethics of using the Mace 25 for an ag buffer for a business park, I remain concerned about the illogic of using up 7 acres of ag land to buffer the remaining 18 acres of ag land, when the spirit of the ordinance seems to suggest that all 25 acres should be buffered. I am also concerned that citizens feel that their trust is being abused when open space land is used for developer projects. I think this could ultimately harm the open space program.

More generally, I want to highlight the fact that at its April 23 meeting, the OSHC did not recommend the DISC project as currently proposed, not just because of Mace 25, but also because the DISC project would result in the substantial net loss of the following noteworthy combination of four open space values. These four values are:

1. Prime agricultural land (96.6% classified as Farmland of Local Importance, including approximately 141 acres of Prime Farmland)
2. Open space on the City's perimeter.
3. Potential habitat for California-identified sensitive species such as Swainson's hawk, burrowing owl, and white-tailed kite
4. Views of significant landmarks, namely the Sierra Nevada and the Sacramento skyline and aesthetic qualities more generally.

The very high value of this property from an open space perspective means that there should be a very high bar for approving any projects at this site. Only the most outstanding projects should even be considered, not a car-oriented, traffic-causing, speculative project produced by a rushed process. I urge you to reject the SEIR and to reject the project overall.

Sincerely,

Roberta Millstein

## Nicholas Villarreal

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**From:** Joel Cherry <cherry@digestiva.com>  
**Sent:** Tuesday, June 9, 2020 11:57 AM  
**To:** Sherri Metzker; Cheryl Essex; Mike Webb; Planning Commission; Ashley Feeney  
**Subject:** Comment on Planning Commission item #5 for tomorrow's meeting  
**Attachments:** image

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

Dear Davis Planning Commission,

I am President and CEO of Digestiva, Inc., a biotech company focused on improving protein bioavailability for the treatment of malnutrition worldwide. We are currently located in rental space at the UC Medical Center in Sacramento, despite the fact that all our 5 employees are residents of Davis. Why? Because despite searching for 3 months, we could not find suitable space to rent in Davis! As a consequence, we must commute across the causeway, wasting time and burning carbon, to get to our jobs.

The proposed Davis Innovation & Sustainability Campus would address a growing need for the Davis entrepreneurial contingent by providing rental space built to support R&D and light manufacturing for companies like ours. In addition, the inclusion of affordable housing units on the same campus would allow our younger employees to move into or remain in Davis with only a short walk or bike ride to get to work. The design would also create a community of innovators, and a hub for the employment of an educated workforce.

I fully support this development plan, and ask that you agree to put it on the ballot this fall. As Digestiva grows, I would much prefer to grow in Davis than in Sacramento or West Sacramento. This can't happen fast enough- we are planning 20 more employees within 3 years!

Thank you for your consideration.

Best,  
Joel Cherry, Ph.D.  
President & CEO



# DIGESTIVA

Solving Protein Digestion

Mobile: +1(510) 384-3737  
2700 Stockton Blvd | Sacramento, CA | 95817

## Nicholas Villarreal

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**From:** Pam Gunnell <pamgunnell@sbcglobal.net>  
**Sent:** Tuesday, June 9, 2020 3:14 PM  
**To:** Planning Commission  
**Subject:** Comments for June 10 Meeting Regarding DISC FSEIR  
**Attachments:** PC FSEIR DISC.docx

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

Dear Planing Commission,

Please find attached my comments for the June 10th meeting regarding the DISC FSEIR.

Thank you.

Pam Gunnell  
Davis, CA

## Nicholas Villarreal

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**From:** Ezra Beeman  
**Sent:** Wednesday, June 10, 2020 7:03 PM  
**To:** Planning Commission  
**Subject:** Comments from an FB&C Contrarian

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

Dear Planning Commissioners,

I am writing in both a personal capacity, and as one of the Finance and Budget Commission (F&BC) commissioners that voted against the B&F Commission motion.

First, as a private citizen of Davis, my view regarding this project, and really any large / marquee project in Davis, is that we should hold it to the 'Village Homes' standard. What I mean by this is that if we want Davis as a community to continue to be a leader in progressive community design, we should hold our developments to meet a very high standard of national and international leadership. It may cost more than being average, but the offsetting benefits should also be taken into consideration (e.g. attracting and retaining like minded community members, setting an example for the region and the country, etc.)

Second, as a FB&C Commissioner, I wanted to ensure that the Planning Commission was informed of the reasons for my voting against the resolution in case it impacted on their decision making. I am not clear regarding whether and how fiscal impacts should and do bear on the Planning Commission, it is not clear to me from reading the charter, and it would be great if someone could contact me and point me in the direction of information regarding this question. It would also help the B&FC ensure it delivers the right type of information. Others that voted against the resolution may have done it for different reasons to mine.

The charter of the B&F commission, among other things, is to ensure:

1. Transparency
2. Accountability
3. Fiscal health (maximize revenues and reduce costs)
4. Providing recommendations on economic and financial issues

Based on the above terms of reference, I could not vote in favor of the motion, mainly due to:

1. Lack of transparency in the underpinning modelling – We have requested that models in future be released to us, and I am working on a paper to avoid black box analysis moving forward
2. Fiscal health – A number of major assumptions in the fiscal analysis are in my opinion (sometimes backed up by the weight of mainstream economic thinking) unsound, including
  - a. Property valuation levels, not sure how building on the fringe of the city commands such high premiums, esp. given size of space – more scrutiny needed here
  - b. Project sequencing that leads to loss making phases of the project (this goes against key tenets taught in Corporate Finance 101 at UCD). Economic theory tells us that a prudent investor will come back in the future with the loss making choice facing them and demand more concessions to make the project stage 'pencil out' on an incremental basis in order to move forward.
  - c. Assumption of 75% variable costs instead of 100% (this goes against key tenets taught in monopoly price setting, which require long-run-marginal-costs to be assumed). It also stands to reason that if we apply this to all costs, we will always come up 25% short, which may have contributed to our current financial perils.
  - d. Given the current \$7-10M unfunded liabilities, we are already basing the analysis on a cost basis (City budget) that is incorrect and unsound. This issue has not been addressed.

There are more, but I want to get this sent out before 7pm, so hopefully the above provides enough information to inform the Planning Commission, to the extent that fiscal matters have any bearing on your deliberations.

Best regards,  
Ezra Beeman



## Nicholas Villarreal

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**From:** Johnston, John <johnston@saclink.csus.edu>  
**Sent:** Wednesday, June 10, 2020 12:17 PM  
**To:** Planning Commission  
**Subject:** Comments on DISC related to NRC Recommendations

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

Greetings Commissioners.

My name is John Johnston. I am the co-chair of the Natural Resources Commission but writing on behalf of myself today. I know you have a massive amount of material to consider regarding the DISC project, so I'll be as brief as I can. By now you should be aware that your meeting materials are based on the draft comments from the NRC and not the final. The subcommittee that assembled the final comments from the NRC meeting last Wednesday evening submitted the final version to staff last Thursday evening. It is unfortunate that it didn't get to you until Monday.

In its review, the NRC was very cognizant of the greenhouse gas emissions associated with this project and their relationship to city council goals. The council's Climate Emergency Resolution (adopted March 5, 2019) accelerates the existing 2050 Davis carbon neutrality goal to a 2040 target date. In 2035, the GHG emissions from the DISC project, if not mitigated, would increase total city emissions by about 7%, with about 75% of these emissions being associated with transportation. In other words, while the city has committed to reducing its overall emissions, it is at the same time considering adding the largest emission source in decades to its inventory. This will make achieving city climate goals even harder than they already are.

Considering this challenge, the NRC felt (in my opinion) that it had to be aggressive its recommendations for mitigation measures in the baseline conditions, and that transportation needed special attention. In contrast, the staff report often seems to take a "business-as-usual" approach. It advocates following current city ordinances and warning about the need for cost effectiveness studies. Such studies are required under state law when a city adopts a requirement but do not, to my knowledge, apply when the city is negotiating a development agreement.

I urge your concurrence with the NRC recommendations. The project is called the Davis Innovation Sustainability Campus and the NRC is asking that the applicant to push the envelope on innovation and sustainability. To its credit, the applicant has proposed many (not all) of the measures NRC considered. You should have a communication from Courtney Doss documenting the applicant's commitments in relation to the NRC recommendations. The City Council's ambitious climate goal poses many challenges. As a community we should be asking applicants to build toward meeting future community goals and not just satisfying present-day requirements.

Let me close with three quick comments on the staff report.

NRC14 Stormwater Facilities (page 74) – The flood control facilities proposed in the SEIR appear to represent a subsidy of the project by allowing use of city land without compensation. The intent of the NRC recommendation that stormwater facilities be placed on DISC-controlled property is to prevent this subsidy. I concur with the NRC in this. The applicant should propose compensation or outright purchase of the property it needs.

NRC21 Paid Parking (page 76) – The staff's comment that "the market will not bear paid parking for commercial in Davis" relates to retail public parking and does not apply here. My employer charges me for parking; UCD charges staff and students for parking; the State of California charges staff for parking. In this instance paid parking in the commercial lots is recommended as a TDM measure. Discouraging use of single occupancy vehicles benefits local traffic and reduces GHG emissions.

NRC34 Residency (page 70) – What makes the mixed use alternative proposed the environmentally superior alternative is the addition of housing. If the housing is completely divorced from the project, as suggested in the staff report, then there is nothing to prevent 850 new families moving to town and commuting to Sacramento or the Bay Area. This, of course, would undermine the purpose of this feature. I recognize that there are non-environmental issues involved, and I rely on your expertise in this matter. Nevertheless, I think it is essential that you adopt some meaningful and substantial nexus between the commercial and residential development to accomplish the environmental goal of providing local housing to DISC employees so that they don't need to commute.

Thank you for your consideration.

John Johnston

## Nicholas Villarreal

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**From:** Hannah Safford  
**Sent:** Tuesday, June 9, 2020 1:42 PM  
**To:** Planning Commission  
**Cc:** Natural Resources Commission; City Council Members; Sherri Metzker  
**Subject:** Comments on DISC Staff Report and Baseline Features for 6/10 Planning Commission meeting  
**Attachments:** Safford\_comments on DISC sustainability baseline features.pdf

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

Commissioners,

Please see my attached comments for distribution and consideration prior to your June 10 meeting. My comments pertain to the NRC's recommended baseline features for the DISC project, as well as to the staff responses to those recommendations. My comments build on the comments submitted by Richard McCann via email today.

Signed,  
Hannah Safford  
Co-chair, City of Davis Natural Resources Commission  
(415) 419-4106

## Nicholas Villarreal

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**From:** Elizabeth Reay <ereay\_7@hotmail.com>  
**Sent:** Wednesday, June 10, 2020 3:33 PM  
**To:** Planning Commission  
**Subject:** Comments on item #5 the DISC project and its EIR

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

This project is far too large and there was not supposed to have extensive housing in the plan.

Per usual, the Developers are pushing for an extreme number of housing units inside of the project since this will be their cash cow. This housing will fill up with commuter traffic which will clog the adjacent county roads (that have a lot of cyclists on them) as well as the already busy intersection and Mace overpass. We have many many new units coming to Davis without this being added to the mix. As a cyclist who is running out of county roads to travel on around Davis due to the enormous amount of deadly traffic on them, we are losing one of the main attractions of Davis: bikeable roads. I was cycling last year and was stopped by CHP (lights and all!) near Mace and Tremont. The CHP officer told me they no longer want cyclists out on these roads in the afternoon due to the heavy, speeding traffic. He said it was too dangerous and there was going to be a deadly accident involving cyclists, period. He said he had written 28 speeding tickets in 8 hours. This DISC development will make it even more deadly on the cycling commuter roads out to the overpass. Is this what Davis wants???

Further, it is my understanding that your commission's past recommendations for this project have already been soundly ignored by this developer. Do we really want to proceed with a developer who is already twisting out of any potential input for the community??!!

Please nix this project while we can. We cannot trust most developers, least of all THESE developers.

Sincerely;

Liz Reay

## Nicholas Villarreal

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**From:** Shreya Dehspande  
**Sent:** Tuesday, June 9, 2020 3:02 PM  
**To:** City Council Members; Planning Commission; Vanguard; sonate@davisenterprise.net; Elizabeth Orpina  
**Cc:** Kyle Krueger  
**Subject:** Davis Innovation and Sustainability Campus Senate Resolution  
**Attachments:** SR#26\_SQ20 (1).pdf

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

Hello all,

Attached is a recently passed Senate Resolution on the Davis Innovation and Sustainability Campus. This resolution was passed unanimously by Senate and signed by President Krueger. Please let me know if you have any questions or concerns.

Thanks,



**Akhila Kandaswamy**

**Vice President** | [Associated Students of the University of California, Davis](https://www.asucd.org/)  
(e): [vicepresident@asucd.ucdavis.edu](mailto:vicepresident@asucd.ucdavis.edu)

## Nicholas Villarreal

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**From:** Patricia Ramirez <pramirez@nccrc.org>  
**Sent:** Thursday, June 11, 2020 7:59 AM  
**To:** Sherri Metzker  
**Subject:** Davis Innovation and Sustainability Campus

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

Good Morning,

I was really interested in viewing the Planning commission meeting last night in regards to the DISC project but i missed it.

Is there a way I can view it online before Friday.

If not, what was the vote and was there any opposition?

Thank you,  
Patricia Ramirez

## Nicholas Villarreal

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**From:** Glenn Nedwin <gnedwin3@yahoo.com>  
**Sent:** Tuesday, June 9, 2020 11:48 AM  
**To:** Planning Commission; Sherri Metzker; Cheryl Essex; Ashley Feeney; Mike Webb  
**Cc:** Justin Siegel; Dan Ramos; Andrew Truman Kim; Gene Endicott  
**Subject:** Davis Innovation Sustainability Center  
**Attachments:** Davis City Planning Commission Support 8Jun20.pdf

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

Dear Davis City Planning Commission and Davis City Council Members,

I am writing in full support of the Davis Innovation Sustainability Center (DISC, formerly Aggie Research Campus). I have lived in Davis since 1992, when I co-founded, and was President of, Novo Nordisk Biotech, Inc. for 15 years, (now named Novozymes, Inc.), have had numerous interactions with UC Davis (2 term Board of Trustee member; Co-Founder and Chair of the Robert Mondavi Wine and Food Science Institute, Various Dean and Vice Chancellor Advisory roles), interacted with/supported numerous UC Davis scientists/entrepreneurs, started UC Davis spin-off companies, as well as being a member of the Yolo County Economic Council. The inventive nature of the scientists in Davis is quite significant, but, what has always lacked was the infrastructure to set in motion, the start-up nature of Davis originated companies. Several had to go to the Bay Area for infrastructure reasons.

The DISC development project is quite unique and meets the needs of the innovative culture of Davis. I hope that you will be in full support of this significant project. The mix of company infrastructure, housing, open space is just what this city needs. The demand is there, as well as the economic gain for the City of Davis. Being close to UCD is key for many companies, as the interactions are vitally important for collaboration. I, myself, tried to move my Bay Area (Taxon Biosciences in Tiburon) company to Davis in 2014, but there was no available space, so the company stayed in Tiburon. A recent UCD spinoff, that I helped to co-found, Digestiva, had to locate in Sacramento, due to the dearth of lab space in Davis; but still prefers to be in Davis.

There is no doubt a strong demand for DISC-type of facilities in Davis. I believe that there will be no trouble in finding the envisioned tenants for the DISC facilities. In fact, I am working with two different venture capital groups with the goal of starting companies in Davis, we just need the space (labs/offices)!

On the economic front, the DISC project seems like a significant financial win for Davis. The City of Davis will come out ahead, with about \$5.4M annual budget surplus, when this project is developed. Thus, this project will go a long way towards fixing any City financial shortfalls. In addition, when fully developed, the DISC project should bring about 6,000 new jobs to Davis, a significant opportunity that the City should not give up

In addition to the lab, office and industrial space, the DISC project also include housing, green spaces, which makes it a great project form an environmental and economic standpoint. Onsite housing will ease the strain on the City's transportation system.

In summary, the DISC project seems just what the City of Davis needs now. Let's build a community that nurtures local entrepreneurship and attracts significant investment from companies that would love gain some Davis strength. I sincerely hope that you vote to pass/put forward the DISC project.

(Also attached as a pdf)

Best regards,

Glenn Nedwin, Davis resident since 1992



## Nicholas Villarreal

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**From:** Brett Maresca  
**Sent:** Wednesday, June 10, 2020 2:48 PM  
**To:** Planning Commission; Sherri Metzker; Cheryl Essex; Gloria Partida; Dan Carson; Brett Lee; Will Arnold; Lucas Frerichs; Ashley Feeney; Mike Webb  
**Subject:** DDBA Letter of Support for DISC  
**Attachments:** DDBA Letter of Support - DISC - PC (2020 06-09 Final-Signed-BM).pdf

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

Hello City of Davis Planning Commission, Council & Staff,

Please find the Davis Downtown Business Association's letter of support for the Davis Innovation & Sustainability Campus (DISC) attached to this email.

Thank you,

**Brett Maresca**

*Executive Director | Davis Downtown*

(office) 530.756.8763

(mobile) 916.505.2115

[www.davisdowntown.com](http://www.davisdowntown.com)



## Nicholas Villarreal

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**From:** Ashley Feeney  
**Sent:** Wednesday, June 10, 2020 11:03 AM  
**Cc:** Sherri Metzker  
**Subject:** DISC Project - Advisory Commission Recommendations

Dear Commissioners,

Thank you for all your work in reviewing the Davis Innovation and Sustainability Campus project proposal that is going before the Planning Commission this evening. I am sure many of you have read the Planning Commission staff report and the associated attachments that can be found at the following link:

<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Planning-Commission/Agendas/2020/2020-06-10/05-Davis-Innovation-and-Sustainability-Campus-Project-optimized.pdf>

The commission review process informed the proposed Baseline Project Features for the project and also the Development Agreement negotiations. There are a few attachments to the staff report that may be of particular interest:

- Attachment 5 (pages 05-156 to 05-175) – This attachment contains commission recommendations in a narrative form.
- Attachment 6 ( pages 05-176 to 05-205) – This attachment includes a table that lists commission recommendations with notes on how the proposal responds to the recommendations.
- Attachment 12 (pages 05-516 to 05-614) – This attachment includes the proposed Development Agreement (DA) for the project. There are exhibits to the DA that are specific to topical areas that may be of interest to your commission. The list of exhibits can be found on page 05-545.

Your commission recommendations, along with the Planning Commission recommendations will be shared with City Council. Thanks again for all your efforts on this project proposal.

Kind regards,

Ashley Feeney  
Assistant City Manager

## Nicholas Villarreal

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**From:** Larry Guenther  
**Sent:** Tuesday, June 9, 2020 9:48 PM  
**To:** Planning Commission  
**Subject:** DISC project  
**Attachments:** DISC public comment.docx

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

Dear Planning Commissioners,

Please see the attached document for my comments on the DISC (formerly ARC, formerly MRIC...) proposal.

Thank you very much for your service to our community!

Larry

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grow you own food - make your own fun - play your own music

## Nicholas Villarreal

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**From:** Chris Soderquist <chris@repowered.us>  
**Sent:** Tuesday, June 9, 2020 12:21 PM  
**To:** Planning Commission  
**Cc:** Ashley Feeney; Mike Webb; Daniel F. Ramos; patrick@spaffordlincoln  
**Subject:** DISC: Support

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

Dear Planning Commissioners,

I write to you today to relay my support for the Davis Innovation & Sustainability Campus and to respectfully request your approval. To state the obvious, our community needs DISC. I embrace responsible and accountable developers — like the applicant — who are willing to make sustainable, forward-thinking investments in our community.

Two perspectives:

1. Economic: My late father, Charlie, conceived and operated Technology Development Center (TDC) in 1992, the first for-profit business incubator in the country (and, headquartered in Davis). TDC was formed to capitalize the latent demand to commercialize UC Davis technologies and, thereby, to retain our community's primary economic asset: Human and intellectual capital germinating from UCD. Over the past three decades, I have had the pleasure of starting, operating and advising more than 50 Davis technology companies. Today, the opportunity — to retain and grow our own — has amplified, but we lack sufficient space to retain and house such companies. Our economy needs this, and technology companies want to be in Davis.

2. Environmental: DISC will be the most sustainable multi-purpose (commercial + workforce housing) development in the United States. The applicant has significantly exceeded status quo, raising the bar for all developers in our country to build sustainable, ecologically-friendly work and living environments.

A final thought, trite but true: If not now, when? If not DISC, what? I'm not certain our community deserves DISC — other communities are lapping us economically and environmentally — but we certainly need it.

Please feel free to contact me with questions, and thank you again for your service.

Be well, take care - Chris

### Chris Soderquist

Owner, RepowerYolo  
909 Fifth Street, Davis, CA 95616  
916/804-6583 (mobile) | 530/564-4292 (office)  
[chris@repowered.us](mailto:chris@repowered.us)  
[www.repoweryolo.com](http://www.repoweryolo.com)  
twitter: @repoweryolo

Hundreds of property owners are pooling their interests to simplify the process, improve the quality and reduce the cost of going solar. Learn more today about RepowerYolo, named the “Best Solar Company in Yolo County” by Davis Enterprise readers.



## Nicholas Villarreal

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**From:** Kerry Loux  
**Sent:** Monday, June 8, 2020 9:50 AM  
**To:** Planning Commission; City Council Members  
**Cc:** Ashley Feeney; Greg Mahoney; Sherri Metzker; Bob Clarke; Brian Abbanat; Hannah Safford; Johnston, John; Courtney Hall; Gregory Miller; Richard McCann; Alan Pryor; Sarah Angulo; David Abramson  
**Subject:** DISC Sustainability Baseline Features  
**Attachments:** DISC-ARC Sustainability Baseline Features\_NRC Recommendations to Planning Commission June 4 2020.pdf

Planning Commissioners, City Council members and City staff,

Attached are the DISC Sustainability Baseline Feature recommendations from the Natural Resources Commission for consideration by the Planning Commission. These have been finalized by the NRC subcommittee as approved at the June 3, 2020 meeting. As previously noted to the NRC by planning staff, the June 3 regular NRC meeting was held too late to incorporate the comments into the DISC staff report to the Planning Commission, so it was agreed that the comments would be sent directly to the PC.

Please let me know if you have any questions, and I will forward them to the NRC.

Thank you,  
Kerry Loux  
Staff Liaison to the Natural Resources Commission  
530-426-3526 (week of June 8-15)  
530-219-5657 (cell phone)

**Kerry Daane Loux**  
**Sustainability Coordinator**  
City of Davis  
Community Development & Sustainability

(530) 747-8246  
[kloux@cityofdavis.org](mailto:kloux@cityofdavis.org)



## Nicholas Villarreal

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**From:** Chuck Cunningham <Chuck@cecwest.com>  
**Sent:** Wednesday, June 10, 2020 5:16 PM  
**To:** Planning Commission  
**Subject:** DISC

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

My apologies for the late input

Dear Planning Commissioners

In one way, the City of Davis is in an enviable position when it comes to economic development in the R&D sector. UC Davis produces top notch graduates every year, as well as entrepreneurial professors and others that are doing cutting edge research and product development. Add in the significant interest of multi-national firms in UCD research. So many communities would love to have that mix of talent and interest.

What we don't have are modern physical facilities of adequate size to accommodate this enormous potential. DISC is the answer. The meager available land inventory isn't adequate.

Ever since I arrived in Davis in 1978, I have heard folks bemoaning how there are not attractive employment opportunities to retain our children and highly educated UCD grads in Davis. 'Welcome to Davis, spend money in downtown, then leave.' Other communities have taken the approach of retaining these young adults to help fire economic development, in our case increased revenue sources for the City and School District. With the added benefit of an active millennial demographic – virtually nonexistent in Davis.

As to the project design, the current proposal is well organized by land use, with the strong central spine of workforce and affordable housing and considerable open space. As to the housing component, I would suggest you refrain from restrictions on who can and can't rent, but rather focus on possible incentives for project employees to live 'on-site.' As you have all heard me say on a previous project, the ability to obtain financing determines whether a project gets built.

Thank you for listening. I encourage you to move the project forward for City Council consideration

Chuck

## Nicholas Villarreal

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**From:** Nancy Price <nancytprice39@gmail.com>  
**Sent:** Wednesday, June 10, 2020 6:40 PM  
**To:** Planning Commission  
**Subject:** Discssion of DISC/ARC/MRIC SEIR  
**Attachments:** DISC ARC comments to Planning Commission.docx

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

Sorry for this being a bit late.

Thank you for reading and taking my comments under consideration.

Nancy Price

Former Planning Commissioner, early 1990s, resigned after 1 1/2 years to accept teaching job at Indiana University



## Nicholas Villarreal

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**From:** Timothy Hoban <newhoban@gmail.com>  
**Sent:** Wednesday, June 10, 2020 11:55 AM  
**To:** Planning Commission  
**Subject:** Discussion of the Newest Ramos Developer DISC Proposal; Yet ANOTHER Massive Student Dorm Project with HIGH impacts in the guise of a Technology Park. PLEASE REJECT THIS BAD PROPOSAL.

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

Dear Members of the Davis Planning Commission:

This is Tim Hoban, longtime Davis resident and citizen with deep concerns about another enormous and harmful project proposal. The Ramos Developers DISC project proposes to use a huge tract of City land of nearly 200 acres, and has clearly changed the focus of the project from a tech center and park to the FAR more lucrative rental market with around 850 housing units in the high rise student dormitory model which keeps popping up all over our city much favored by large builders. The project was originally proposed for technology only but has morphed into largely mass residential.

Due to the very serious impacts with traffic, pollution and congestion that a project of this magnitude will surely cause do to many more students commuting all over town in their cars, this project needs a NEW EIR conducted and the former rejected.

As I have tried to emphasize in the past, UC Davis has not done their part in providing housing for students on their campus despite being nearly the only cause for continuous student growth, with NO voice for residents in this matter. It is my belief that the City and Planning Commission must DEMAND the University handle far, far more of its own housing needs on its huge campus. This is the ONLY site for students that makes environmental sense.

It is also clear that with nearly 4,000 bed units that have already been approved by the city, Davis has done more than its part in meeting these needs already. NO new mega-dorms should be approved until we find out for certain in the next months the effect on Covid-19 on students returning to the University. This enormous largely mass housing high rise is not needed.

Numerous City commissions have made recommendations from their reviews to improve this project. Nearly none have been adopted by the Ramos group. This is not fair, nor is it good planning in my view. This is yet another project that will be forced on the backs of local citizens.

The city owes it to its residents to protect all that is good about Davis and reject very harmful projects. I am hoping you will seriously consider the needs of those who LIVE here.

Most Sincerely, Tiim Hoban

633 K Street, Davis

## Nicholas Villarreal

---

**From:** Richard McCann  
**Sent:** Tuesday, June 9, 2020 11:45 AM  
**To:** Planning Commission  
**Cc:** Natural Resources Commission; City Council Members; Vanguard  
**Subject:** Comments on Staff Report and Baseline Features for DISC for Planning Commission meeting June 10  
**Attachments:** McCann-Comments on DISC Baseline Features to the Planning Comm.pdf

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

Please see my attached comments for distribution and consideration before Wednesday, June 10. I am most concerned about Staff's confusion about or misrepresentation of the NRC's recommendations on baseline features and rejection of any recommendations that go beyond those proposed by the developer. In addition, rejection of the condition on housing already adopted by the City Council in certifying the original EIR is problematic.

Sincerely

Richard McCann  
Member, City of Davis Natural Resources Commission  
530 574-1004

## Nicholas Villarreal

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**From:** Ron O <ROertel@msn.com>  
**Sent:** Wednesday, June 10, 2020 3:34 PM  
**To:** Planning Commission  
**Subject:** Concerns Regarding DISC Proposal

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

To Davis Planning Commission:

I am writing to note significant concerns regarding the DISC proposal, which will be reviewed by the planning commission this evening.

Let's start with the compressed timeline, for commission reviews. You've had just over a week to review a 1,000-page final SEIR, for what I understand is the largest proposal in Davis' history. Within the past couple of weeks, you rejected an EIR for a much smaller proposal.

Regarding DISC, the proposal isn't even close to being fully defined, before reaching the planning commission. One example of this is the undefined structure/type of the Affordable housing proposed.

This same compressed timeline (for the sole purpose of "urgently" getting this to the council by early July, for a November vote) has also impacted other commissions. And this, despite the significant upheaval in our economy which will directly impact demand for this type of proposal for years to come.

Despite the compressed timeframe, some commissions have already raised significant concerns regarding such issues as the phasing of housing, master leases (for private businesses), etc. As you're probably aware, this proposal is actually driven by a desire to build high-density housing during the first two phases, in a location that otherwise would never be considered for such housing. The fact that the NRC's recommendations have been rejected so far indicate that there's no demonstrated connection between the housing, and the commercial component (which is a "key" assumption regarding any determination of the "environmentally superior" option in the SEIR). On that basis alone, the planning commission should reject the SEIR.

Also, since staff and the developer are rejecting residential master leases (for private businesses that would supposedly occupy the commercial space), what does that tell you regarding the earlier claims that these (apparently imaginary) businesses want "housing for their employees"?

There is no connection to UCD (approximately 5 miles away, through town), as demonstrated by the "name change" to disassociate the development from UCD. There are also no commercial tenants lined up, in the first place. Again, this proposal is driven by the potential profit from the market-rate housing, during the first two phases.

The failure of other "innovation centers" proposed for Davis (including MRIC, itself) demonstrates a clear lack of demand regarding this type of proposal (for anything other than the housing, during the first two phases). One of the failed Davis proposals has since "moved" about 7 miles up Highway 113 (to Woodland), and might

not even be viable, there. (Even with the proposed housing, which doesn't command the same price in Woodland.)

I'm sure that you're also aware of the approximately 6,000 parking spaces proposed for DISC, of which approximately 5,000 would be used for non-residential purposes. It is frankly an embarrassment that a city like Davis, which has formally stated concerns regarding local contributions to climate change, would even consider a proposal like this. Unfortunately, parking of this magnitude (or more) is actually needed to support a freeway-oriented business park, such as DISC. That's ultimately one of the reasons that a proposal like this cannot be sufficiently mitigated. (Well, that, plus the resulting greenhouse gasses emitted, traffic congestion - exacerbated by cell-phone applications which constantly redirect traffic, etc.) Hopefully, the "Mace Mess" has awakened awareness, of these type of issues.

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In all honesty, the Mace Curve provides a logical boundary for the city. There are still sites within the city that can accommodate development/redevelopment. In addition, there is a large site inside the Mace Curve (adjacent to the junior high, but outside of city limits) that would be a logical addition to the city.

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Although (like you) I haven't had time to review and analyze a 1,000-page document within a week's period of time, there is one thing that I did notice in the SEIR. Specifically, one of the responses in the SEIR states that Affordable housing "would serve to minimize VMTs", but does not show any evidence to back that claim. One place that this is stated is on page 2-71.

Thanks for your consideration. I'm sure that I will have more to add, if this proposal continues to proceed.

Sincerely,  
Ron Oertel

## Nicholas Villarreal

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**From:** Bennett, Scott <Scott.Bennett@colliers.com>  
**Sent:** Tuesday, June 9, 2020 1:20 PM  
**To:** Ashley Feeney; Mike Webb; Planning Commission; Sherri Metzker; Cheryl Essex  
**Subject:** Davis Innovation & Sustainability Campus - Planning Commission meeting

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

**RE: Planning Commission meeting 6/10/2020 and DISC**

**To Whom it may concern:**

My name is Scott Bennett, Senior Vice President with Colliers International, commercial real estate company. As someone who has been in the business of helping tenants find office space and landlord's find tenants, for almost 20 years now, I can say that the Davis Innovation and Sustainability Campus is a much needed and rare opportunity to build a thoughtful project in a location that local, national and international companies would all like to reside. When you see the statistics of how many Sacramentans travel to the Bay area every day, how many Bay Area residents are moving to the Sacramento region and the pricing of office, lab and industrial space in the Bay (not to mention project lead times and cost of improvements), it all points to a huge need for a quality project, near a world class University and in a highly desirable City. I'm currently working on a newly constructed office/ R&D project at Mace & Alhambra in Davis and we successfully leased one of the two buildings before it was completed to a company that left W. Sacramento to specifically be in Davis and we have solid activity on the 2<sup>nd</sup>, building, which has just finished construction. This is yet another test case that there is a need and desire for a high quality, well designed mixed use project such as the Davis Innovation & Sustainability Campus.

My support is fully behind this project and I look forward to seeing it being built!

Thank you – Scott Bennett, Colliers International

**Scott Bennett**

Senior Vice President

License No. 01351389

**Dir. +1 916 563 3013** | Mobile +1 916 549 6376

Main +1 916 929 5999 | Fax +1 916 830 4013

[scott.bennett@colliers.com](mailto:scott.bennett@colliers.com)

[LinkedIn Profile](#) | [Download vCard](#)

**Colliers International**

301 University Avenue, Suite 100 | Sacramento, CA 95825 | United States

[www.colliers.com](http://www.colliers.com)



View the current issue of [Knowledge Leader](#).

## Nicholas Villarreal

---

**From:** Jason Taormino <jtaormino@me.com>  
**Sent:** Tuesday, June 9, 2020 6:54 PM  
**To:** Planning Commission  
**Subject:** Davis Innovation & Sustainability Campus

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

Dear Planning Commission,

Please support the proposal for the Davis Innovation and Sustainability Campus.

Yolo County can and should be the world leader in agricultural and ag tech innovation.

Let's get there together and remember that perfection is the enemy of the good,

Jason

J. Jason Taormino  
Aileron Land & Development  
[Jason@Taormino.org](mailto:Jason@Taormino.org)  
530.400.8854

## Nicholas Villarreal

---

**From:** Paul Jacobs  
**Sent:** Wednesday, June 10, 2020 4:03 PM  
**To:** Planning Commission  
**Subject:** FBC review  
**Attachments:** Item 4B - Attachment 1 Ad Hoc FBC Sub on Aggie Research Campus (RMS Redline 411 PM 5-17-20) (1) (1).docx; 192109 FBC Response Memo 05-27-20 (1).pdf

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

After reviewing the EPS analysis of the fiscal impact of the proposed Davis Innovation and Sustainability Campus, the Finance and Budget Commission at a special May 27th meeting agreed to report to City Council that the Commission **"generally agrees with the EPS analysis that the project will likely have a net positive fiscal benefit for the City."**

The Commission also supported **"the discussion of questions and comments summarized in (its) ad hoc subcommittee report and calls special attention to the the issues raised in Parts 2 and 3 of the report that relate to the negotiation of a final development agreement."**

Background: After our initial hearing on the DISC project, the FBC agreed to ask a subcommittee to review and summarize questions and comments on the fiscal analysis of the project. Part 1 of the subcommittee report concerns the ongoing fiscal impact of the project on City finances. Parts 2 and 3, refer to other financial issues such as the value of city land proposed as an agricultural buffer and the phasing of the project's effect on the projected Internal Rate of Return, to be addressed in negotiating a final Development Agreement.

We see that the ad hoc subcommittee review and the EPS response is included in your packet, should you want further details, but we've attached them as well.

Note that many of the issues that were raised by the public and that you are considering lie outside our jurisdiction and were not considered by the FBC in our deliberations, including such things as adequacy of parking and traffic impacts. Nor did we take any position on the advisability of moving ahead and placing the proposal on the November ballot.

Sincerely yours,

Michelle Weiss, Chair, Finance and Budget Commission  
Paul Jacobs, Vice-chair

## Nicholas Villarreal

---

**From:** Ron O <roertel@msn.com>  
**Sent:** Wednesday, June 10, 2020 3:50 PM  
**To:** Planning Commission  
**Subject:** Forgot to add (regarding DISC proposal)

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

In addition to my email below, I would urge the planning commission to consider the impact of the 1,200 residential units that would be needed (in Davis) as a result of this proposal, in addition to the 850 units on-site. (And, this doesn't even include the approximately 1,700 units needed outside of the city, to accommodate housing demand created by this development.)

This is all discussed in the SEIR.

---

**From:** Ron O  
**Sent:** Wednesday, June 10, 2020 3:33 PM  
**To:** planningcommission@cityofdavis.org  
**Subject:** Concerns Regarding DISC Proposal  
To Davis Planning Commission:

I am writing to note significant concerns regarding the DISC proposal, which will be reviewed by the planning commission this evening.

Let's start with the compressed timeline, for commission reviews. You've had just over a week to review a 1,000-page final SEIR, for what I understand is the largest proposal in Davis' history. Within the past couple of weeks, you rejected an EIR for a much smaller proposal.

Regarding DISC, the proposal isn't even close to being fully defined, before reaching the planning commission. One example of this is the undefined structure/type of the Affordable housing proposed.

This same compressed timeline (for the sole purpose of "urgently" getting this to the council by early July, for a November vote) has also impacted other commissions. And this, despite the significant upheaval in our economy which will directly impact demand for this type of proposal for years to come.

Despite the compressed timeframe, some commissions have already raised significant concerns regarding such issues as the phasing of housing, master leases (for private businesses), etc. As you're probably aware, this proposal is actually driven by a desire to build high-density housing during the first two phases, in a location that otherwise would never be considered for such housing. The fact that the NRC's recommendations have been rejected so far indicate that there's no demonstrated connection between the housing, and the commercial component (which is a "key" assumption regarding any determination of the "environmentally superior" option in the SEIR). On that basis alone, the planning commission should reject the SEIR.



Also, since staff and the developer are rejecting residential master leases (for private businesses that would supposedly occupy the commercial space), what does that tell you regarding the earlier claims that these (apparently imaginary) businesses want "housing for their employees"?

There is no connection to UCD (approximately 5 miles away, through town), as demonstrated by the "name change" to disassociate the development from UCD. There are also no commercial tenants lined up, in the first place. Again, this proposal is driven by the potential profit from the market-rate housing, during the first two phases.

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Thanks for your consideration. I'm sure that I will have more to add, if this proposal continues to proceed.

Sincerely,



## Nicholas Villarreal

---

**From:** Sherri Metzker  
**Sent:** Wednesday, June 10, 2020 11:05 AM  
**To:** Sherri Metzker  
**Subject:** FW: Davis Innovation Sustainability Center  
**Attachments:** Davis City Planning Commission Support 8Jun20.pdf

---

**From:** Gene Endicott  
**Sent:** Wednesday, June 10, 2020 10:02 AM  
**To:** Sherri Metzker  
**Subject:** Fwd: Davis Innovation Sustainability Center

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Sherri,

Wanted to make sure this email from Glenn Nedwin made it to the Planning Commissioners, as he reported that it had been kicked back from some of their individual email addresses after it had apparently been forwarded from the [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org) addresss. Thank you for your help.

Gene

Endicott Communications, Inc.  
916-719-7214  
[gene@endicottcommunications.com](mailto:gene@endicottcommunications.com)

Begin forwarded message:

**From:** Glenn Nedwin <[gnedwin3@yahoo.com](mailto:gnedwin3@yahoo.com)>  
**Date:** June 9, 2020 at 11:48:15 AM PDT  
**To:** "[planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)" <[planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)>, "[smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)" <[smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)>, "[cheryl.essex.davis@gmail.com](mailto:cheryl.essex.davis@gmail.com)" <[cheryl.essex.davis@gmail.com](mailto:cheryl.essex.davis@gmail.com)>, "[Afeeney@cityofdavis.org](mailto:Afeeney@cityofdavis.org)" <[Afeeney@cityofdavis.org](mailto:Afeeney@cityofdavis.org)>, "[mwebb@cityofdavis.org](mailto:mwebb@cityofdavis.org)" <[mwebb@cityofdavis.org](mailto:mwebb@cityofdavis.org)>  
**Cc:** Justin Siegel <[jbsieg@gmail.com](mailto:jbsieg@gmail.com)>, Dan Ramos <[danramos@ramco-ent.com](mailto:danramos@ramco-ent.com)>, Andrew Truman Kim <[andrew@spaffordlincoln.com](mailto:andrew@spaffordlincoln.com)>, Gene Endicott <[gene@endicottcommunications.com](mailto:gene@endicottcommunications.com)>  
**Subject:** Davis Innovation Sustainability Center  
**Reply-To:** Glenn Nedwin <[gnedwin3@yahoo.com](mailto:gnedwin3@yahoo.com)>

Dear Davis City Planning Commission and Davis City Council Members,

I am writing in full support of the Davis Innovation Sustainability Center (DISC, formerly Aggie Research Campus). I have lived in Davis since 1992, when I co-founded, and was President of, Novo Nordisk Biotech, Inc. for 15 years, (now named Novozymes, Inc.), have had numerous

interactions with UC Davis (2 term Board of Trustee member; Co-Founder and Chair of the Robert Mondavi Wine and Food Science Institute, Various Dean and Vice Chancellor Advisory roles), interacted with/supported numerous UC Davis scientists/entrepreneurs, started UC Davis spin-off companies, as well as being a member of the Yolo County Economic Council. The inventive nature of the scientists in Davis is quite significant, but, what has always lacked was the infrastructure to set in motion, the start-up nature of Davis originated companies. Several had to go to the Bay Area for infrastructure reasons.

The DISC development project is quite unique and meets the needs of the innovative culture of Davis. I hope that you will be in full support of this significant project. The mix of company infrastructure, housing, open space is just what this city needs. The demand is there, as well as the economic gain for the City of Davis. Being close to UCD is key for many companies, as the interactions are vitally important for collaboration. I, myself, tried to move my Bay Area (Taxon Biosciences in Tiburon) company to Davis in 2014, but there was no available space, so the company stayed in Tiburon. A recent UCD spinoff, that I helped to co-found, Digestiva, had to locate in Sacramento, due to the dearth of lab space in Davis; but still prefers to be in Davis.

There is no doubt a strong demand for DISC-type of facilities in Davis. I believe that there will be no trouble in finding the envisioned tenants for the DISC facilities. In fact, I am working with two different venture capital groups with the goal of starting companies in Davis, we just need the space (labs/offices)!

On the economic front, the DISC project seems like a significant financial win for Davis. The City of Davis will come out ahead, with about \$5.4M annual budget surplus, when this project is developed. Thus, this project will go a long way towards fixing any City financial shortfalls. In addition, when fully developed, the DISC project should bring about 6,000 new jobs to Davis, a significant opportunity that the City should not give up

In addition to the lab, office and industrial space, the DISC project also include housing, green spaces, which makes it a great project from an environmental and economic standpoint. Onsite housing will ease the strain on the City's transportation system.

In summary, the DISC project seems just what the City of Davis needs now. Let's build a community that nurtures local entrepreneurship and attracts significant investment from companies that would love gain some Davis strength. I sincerely hope that you vote to pass/put forward the DISC project.

(Also attached as a pdf)

Best regards,  
Glenn Nedwin, Davis resident since 1992

## Nicholas Villarreal

---

**From:** Gene Endicott <gene@endicottcommunications.com>  
**Sent:** Wednesday, June 10, 2020 10:02 AM  
**To:** Sherri Metzker  
**Subject:** Fwd: Davis Innovation Sustainability Center  
**Attachments:** Davis City Planning Commission Support 8Jun20.pdf

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**Cc:** Justin Siegel <[jbsieg@gmail.com](mailto:jbsieg@gmail.com)>, Dan Ramos <[danramos@ramco-ent.com](mailto:danramos@ramco-ent.com)>, Andrew Truman Kim <[andrew@spaffordlincoln.com](mailto:andrew@spaffordlincoln.com)>, Gene Endicott <[gene@endicottcommunications.com](mailto:gene@endicottcommunications.com)>  
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Best regards,

Glenn Nedwin, Davis resident since 1992

## Nicholas Villarreal

---

**From:** Sherri Metzker  
**Sent:** Tuesday, June 9, 2020 5:06 PM  
**To:** Sherri Metzker  
**Subject:** Fwd: June 10th Planning Commission Agenda Item #5

Sent from my T-Mobile 4G LTE Device

----- Original message -----

**From:** Justin Siegel  
**Date:** 6/9/20 5:04 PM (GMT-08:00)  
**To:** Planning Commission  
**Subject:** June 10th Planning Commission Agenda Item #5

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

To Whom it May Concern,

I just sent a voicemail with the following note regarding Planning Commission Agenda Item #5, I wanted to email it as well to ensure it was received. Thank you and I appreciate your diligence on this subject as your openness to community input.

Best,  
Justin

Hello, I am Justin Siegel and am calling to voice my strong support for the Davis Innovation Sustainability Center. I have lived here in Davis for 14 years with three kids currently going through public schools, and am planning on being here for the foreseeable future. I am currently employed as a Prof at UC Davis in BMM, Chem, and the GC. Through my research I have co-founded 6 biotech companies with many more in the pipeline. Currently 0 of those companies are in Davis, despite numerous efforts to locate here. 1 is in the region, and the rest spread throughout the country. Combined these companies have raised >\$100M and are valued >\$1B to date, and have directly created jobs for hundreds of people.

Despite the expertise of UC Davis, the abundance of local management, and the capital available from the Bay Area, a vibrant biotechnology ecosystem has not been realized in our region. From personal experience, I can say with confidence the problem is simple. There is almost no viable space to start a biotechnology company locally. While there is ample office space and buildings that could be converted to labs, there is extremely limited move-in-ready lab space.

Investors for early stage companies will not invest in capital infrastructure, so early stage startups with only a few million dollars in funding generally providing 12-24 month runways do not have the time or resources to invest in a 6-12 month buildout for their lab space. Therefore companies cannot start here. When the successful ones hit their next stage, where they do have time and resources to build out lab space, they generally grow where they started in order to keep their workforce in-tact. In other words, if they don't start here, it's highly unlikely we get anything but afterthoughts moving here.

The timing for this could not be better. There is a growing interest in companies to develop technologies that tackle sustainability challenges, with biotechnology as a core focus area. The world epicenter for these

sustainability centric companies has yet to be established. Meanwhile, UC Davis is widely recognized as a world-premiere institution for topics related to sustainability. This, coupled with our proximity and access to unprecedented capital from the Bay Area allow us to get investment in the translation of these ideas from UC Davis into technologies impacting the world. Given the right infrastructure we could finally enable sustainability centric biotechnology companies to develop locally as opposed to being exported regionally and nationally.

The opportunity for our community to become the global epicenter for sustainability is ours for the taking. All we need to do is create an appropriate infrastructure to let it flourish, ensuring our community and local economy have a bright and vibrant future. DISC provides that last missing piece of the puzzle.



## Nicholas Villarreal

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**From:** Justin Siegel <jbsiegel@ucdavis.edu>  
**Sent:** Tuesday, June 9, 2020 5:04 PM  
**To:** Planning Commission  
**Subject:** June 10th Planning Commission Agenda Item #5

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## Nicholas Villarreal

---

**From:** Rene Garcia <RGarcia@sacog.org>  
**Sent:** Tuesday, June 9, 2020 1:11 PM  
**To:** Mike Webb  
**Cc:** James Corless; Kacey Lizon; Clint Holtzen; Dov Kadin; Lucas Frerichs; Cristina Gagnon; Ashley Feeney; Sherri Metzker  
**Subject:** Letter - Proposed Plan for the Davis Innovation Sustainability Campus  
**Attachments:** City of Davis.pdf

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

Good Afternoon:

Please see the attached letter from James Corless regarding the proposed plan for the Davis Innovation Sustainability Campus.

Thank you,

**Rene Garcia | Administrative Support Team Manager/Executive Assistant**

Sacramento Area Council of Governments

(916) 340-6279

[rgarcia@sacog.org](mailto:rgarcia@sacog.org)

**SACOG is operating remotely through June, and our staff are restricted from in-person meetings.**

All staff are available via email, phone, and meetings via teleconference. If you have an upcoming meeting scheduled, please be on the lookout for a new teleconference or call-in option. We appreciate your flexibility during this time. Upcoming board and committee meetings will be modified and information on the format will be provided to those signed up for electronic notifications.

## Nicholas Villarreal

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**From:** Ashley Feeney  
**Sent:** Wednesday, June 10, 2020 3:35 PM  
**To:** Planning Commission  
**Cc:** Sherri Metzker  
**Subject:** Letter from UC Davis - Regional Economic Recovery and Readiness  
**Attachments:** Regional Economic Recovery and Readiness.pdf

Dear Commissioners,

I have attached a letter from Mabel Salon, Chief Government and Community Relations Officer, in which UC Davis supports the effort of local cities to consider strategic development projects in the region such as the Davis Innovation and Sustainability Campus as well as other projects. This letter is being forwarded to the Planning Commission at the request of UC Davis officials.

Thanks,

Ashley Feeney  
Assistant City Manager

**Nicholas Villarreal**

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**From:** dan.rayathome@gmail.com  
**Sent:** Wednesday, June 10, 2020 1:16 PM  
**To:** Sherri Metzker  
**Subject:** My comments on Aggie Research Campus  
**Attachments:** aggie research campus 2.docx

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

Sent from Windows Mail

**Nicholas Villarreal**

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**From:** dan.rayathome@gmail.com  
**Sent:** Wednesday, June 10, 2020 3:53 PM  
**To:** Planning Commission  
**Subject:** My comments on the Aggie Research Center  
**Attachments:** aggie research campus 2.docx

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Sent from Windows Mail

## Nicholas Villarreal

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**From:** Todd Edelman  
**Sent:** Thursday, June 11, 2020 11:26 AM  
**To:** Cheryl Essex; Sherri Metzker; Zoe Mirabile; Ashley Feeney  
**Cc:** Timothy Csontos; Brian Abbanat  
**Subject:** Need clarification on communication of BTSSC comments to PC on DISC

**Importance:** High

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Hi,

At its meeting later today the the BTSSC will likely produce a proposed list of baseline features for transportation and related for DISC. We will then make them available for distribution. Will the Planning Commission be allowed to consider these in relation to any decision they make on DISC at their meeting on June 17th, the continuation of yesterday's meeting?

I would appreciate an answer as soon as possible so that we are aware of the possibility during the discussion.

Thanks,

Todd Edelman

BTSSC - Sub-Committee on Transportation Baseline Features for DISC

415-613-0304

## Nicholas Villarreal

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**From:** Courtney Hall  
**Sent:** Tuesday, June 9, 2020 4:01 PM  
**To:** Planning Commission  
**Subject:** nrc@cityofdavis.org  
**Attachments:** DISC Sustainability Baseline Features\_PCcomment20200610.docx; 6B.1 Aggie Research Campus Sustainability Guiding Principles from project applicant NRC 5-14-2020.pdf

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

To the Planning Commission:

Please review and consider my comments regarding the NRC's recommended environmental sustainability baseline features for the DISC/ARC Project. These comments are also attached to this email.

City staff has, in places, rejected NRC-proposed environmental sustainability features that the Developer has already committed to in their Environmental Sustainability Guiding Principles (attached). There should be no backpedaling on those Principles previously proposed by the Developer. For ease of reference between the two documents, the exact language from the Developer in their Sustainability Guiding Principles are shown in *green italics*. The baseline conditions can and should go beyond City code, especially where the Developer has already committed to this. These scenarios will not be subject to an affordability review if the Developer agrees with these features, only if amending City code. Additionally, City staff has in places stated that certain conditions recommended by the NRC are included in the Baseline Project Features; however, the NRC's recommendations are not in whole reflected by the language in the Project Proposal. These important distinctions are noted below in **green bold**.

Please note that the transportation baseline features were not included in the PC meeting packet, as these were not ready for submittal at the time that the first set of baseline features from the NRC were submitted. Please review and consider including the TDM and traffic mitigation measures in the Project's baseline features in addition with any transportation features submitted by the BTSSC or others.

I would also like to note that the City Council has declared a climate emergency. Proposed conditions that go beyond City code are necessary to reduce the environmental impact of a project of this size. The Planning Commission has already received comment from individuals from the NRC (Richard McCann and Hannah Safford) that address these items that go beyond the current code. Please consider these comments in the development of the PC's recommendation for baseline project features.

Thanks,

Courtney Doss

Natural Resources Commission Member

*Comments submitted as an individual*

**Proposed environmental sustainability features for the Davis Innovation Sustainability Campus Project**

*Recommended for inclusion in "Baseline Project Features" submitted for voter approval of the Project pursuant to a Measure R vote*

### Measurement and Verification

To ensure accurate tracking and reporting of achievement of Project sustainability goals and obligations, the Developer will establish a Master Owners Association (MOA) for the Project that reports to the City and is responsible for measurement of, verification of, and assuring compliance with Project sustainability obligations and mitigation measures. The MOA will prepare and submit for City approval a Sustainability and Mitigation Monitoring Reporting Plan. Per the Plan, the MOA will prepare and submit to the City annual reports that describe



progress towards meeting sustainability goals and obligations and implementing mitigation measures, including all relevant provisions in the Project's baseline features. Annual reports will also indicate what actions will be taken in the following year to meet phased actions as part of the sustainability goals and obligations and mitigation measures.

### Energy Efficiency and Usage

The developer shall commit to minimizing carbon emissions by maximizing production of clean energy onsite and ensuring that all Project structures consume 100 percent clean energy. "Clean energy" is defined as energy derived from technologies eligible for California's Renewables Portfolio Standard (RPS). In addition, the Developer shall commit to the following measures:

- The Project shall meet all CALGreen Tier 1 prerequisites for Residential and Non-Residential buildings in effect at the time of permitting of each phase of the Project.

*Developer Commitment: The Project shall meet and exceed Title 24, Cal Green Tier 1 and will utilize the City of Davis' Residential Energy Reach Code standards*

- The Project shall meet all City of Davis Residential and Commercial Energy Reach Code Standards in effect at the time of permitting of each phase of the Project.

- The Developer shall enter into a purchase and sale agreement with Valley Clean Energy (and/or another electric utility company) for all power produced by the Project in excess of on-site demand. This agreement shall ensure that all power generated but not used onsite is used locally.

*Developer Commitment: Project will enter into a power purchase agreement with Valley Clean Energy (or another electric utility company under reasonable economic terms) to which it will sell and distribute all electricity generated onsite. This arrangement will ensure that all power generated onsite which is not used onsite is utilized locally.*

- If, after maximizing energy efficiency and on-site production of clean energy, the energy demand of Project structures exceeds the energy produced on-site, then the Developer shall purchase power from solely renewable sources such as Valley Clean Energy's "UltraGreen" 100 percent renewable and 100 percent carbon-free service (or equivalent) to offset the deficit. This requirement will be continued for the lifetime of the Project by building owners.

**Note: There is an important difference between purchasing 100% clean energy versus developing clean energy on site. Clean energy production on site should be maximize.**

*Developer Commitment: To achieve a Project that is fueled by 100% clean energy, Developer commits all structures, residential and non-residential, to purchase power from solely renewable sources such as Valley Clean Energy's "UltraGreen" 100% renewable program or its equivalent, to offset any electric deficit.*

- All onsite residential units shall be all-electric (i.e., shall not include natural-gas service).

*Developer Commitment: All onsite residential units will be all-electric and not include natural gas.*

- All onsite commercial buildings shall be all-electric, with the exception for fossil fuels (e.g., natural gas, propane) required for manufacturing processes as specified by a tenant. As mechanisms become available to reduce or offset carbon emissions from manufacturing processes fed by fossil fuels, the MOA shall require implementation of these mechanisms to reduce emissions in a timeline consistent with the City's Climate Action and Adaptation Plan (CAAP). Volumes and types of fossil fuels used onsite, as well as opportunities to reduce emissions, shall be included in each annual report prepared and submitted by the MOA.

**Note: While not required by the non-residential reach code, the City and Developer may agree to conditions beyond the current code. In this case they should. The note that fossil fuels will only be used "as specified by the tenant" reduced unnecessary gas services to the Project but allows gas services where business-critical.**

- Prior to beginning construction on each phase of the Project, the Developer shall prepare a report describing plans to incorporate passive heating and cooling strategies into building design so as to reduce overall energy demand. Such strategies may include but are not limited to: construction using thermally massive materials, incorporation of shading devices in the building envelope, strategic building orientation and window placement, and strategic planting of trees and other vegetation. This report shall be subject to review and approval by City staff.

**Note: The NRC wording here was strengthened to be more enforceable, at the request of City staff following submittal of the draft features submitted by the NRC.**

*Developer Commitment: Buildings shall be designed to incorporate passive heating and cooling so as to reduce overall energy demands.*

- All onsite buildings (commercial and residential) shall achieve zero net carbon for the building envelope—including heating, ventilation and air conditioning (HVAC), and lighting—with onsite renewables and storage.
- Prior to beginning construction on each phase on the Project, the Developer (and MOA for Phases 2 and 3) shall engage an outside consultant to conduct a solar feasibility assessment for development planned in that phase. The assessment shall identify all appropriate locations for solar photovoltaics (PV) or other future comparable technology, taking into account factors such as structure orientation, grid design, installation cost, and site landscaping. Locations may include but are not limited to rooftops, ground solar arrays, and constructed canopy structures. The Developer shall implement PV on all recommended locations, up to the extent that Project electricity demands are fully met. Note that this provision is not intended to and shall not substantially interfere with Project requirements for tree canopy.

**Note that this provision is not intended to and shall not substantially interfere with Project requirements for tree canopy.**

*Developer Commitment: To maximize and optimize onsite solar energy generation, and future clean energy use, by mandating photovoltaics, or future comparable technology, on every conducive structure and in parking areas to the greatest extent practicable.*

- The Project shall achieve net-zero energy for outdoor lighting through the use of onsite PV or similar technology.

*Developer Commitment: Same*

- In anticipation of improved solar-connected energy storage, the Project shall be designed and pre-wired for future microgrid capacity and energy storage.

**Note: This requirement is not for a microgrid, but only to design the system to allow for future connection (it's expected that the MOA would choose to implement when cost-effective but not specifically required).**

### Parking Lots and Internal Streets

The desired outcomes of design features for the Project's parking lots and internal streets shall be to: (1) encourage a mode shift from Single Occupancy Vehicles (SOVs) to walking, bicycling, public transit, private transit, ridesharing, carsharing, carpooling, and/or micromobility; (2) encourage use of zero-emission vehicles (e.g., electric vehicles) where SOV use is necessary as well as in any alternative transportation service that relies on passenger vehicles; (3) reduce runoff and heat-island effects amplified by parking lots; and (4) reduce adverse visual, aesthetic, and quality-of-life impacts of working and living near parking lots. To further these desired outcomes, the developer shall implement the following features in its parking areas and/or along the Project's internal roadway system:

- Low-impact development (LID) features, such as bioswales and permeable pavement, shall be implemented in all streets and surface-level parking to capture and filter runoff and maximize groundwater recharge.

*Developer commitment: Same*

- All parking surfaces or street-adjacent sidewalks that use or are conducive to tree shading shall incorporate structured soil or suspended substrate to allow successful tree-root development. The developer shall size the area of each pavement-treatment site to accommodate the maximum size of a tree that could reasonably be accommodated on that site.

*Developer commitment: All parking surfaces or street-adjacent sidewalks utilizing tree shading shall use structured soil or suspended substrate to allow successful tree root development. Developer shall size pavement treatment area to accommodate the tree varietal's intended tree size.*

- Landscaping shall provide 80 percent shading of pedestrian walkways and off-street bike paths. At least 50 percent parking-lot shading shall be achieved through either shade trees or PV arrays. Compliance with these requirements shall be demonstrated at the time of building by securing permits for adequate PV arrays and/or by consulting with a certified arborist on a tree-planting and -maintenance strategy expected to achieve the desired shading area within 15 years of planting. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied. Progress towards meeting the shading requirement shall be included in each Annual Report.

**Note: The requirements for shading of pedestrian and bike paths are critical for TDM. This goes beyond the Tree Ordinance. 50% parking lot shading is in line with the ordinance.**

*Developer commitment: Landscaping shall provide 80% shading of pedestrian walkways and off-street Class I bike paths. 50% parking lot shading shall be achieved through either shade trees or photovoltaic arrays. These requirements shall be demonstrated at building permit for PV or shall be achieved within 15 years of planting for areas shaded by trees. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied.*

- Parking preference and priority shall be given to electric vehicles (EVs) and to vehicles participating in a carpool program. Only carpool and EV parking shall be allowed adjacent to buildings in spots not designated for disabled persons. Spots designated for disabled persons shall not be restricted to particular vehicle types.

*Developer commitment: Parking preference and priority will be given to high occupancy vehicles (HOV) and electric vehicles (EV). Aside from handicap parking, only HOV and EV parking shall be allowed adjacent to buildings. All stalls designated for EV will have charging stations pre-installed.*

- All stalls designated for EVs shall have charging stations pre-installed. Stations shall include a mix of free Level 1 charging and paid Level 2 charging.
- All commercial and residential parking areas shall be EV ready, equipped with infrastructure designed to facilitate installation of EV charging stations as demand grows. This infrastructure will include electrical panels, conduit/raceways, overprotection devices, wires, and pull boxes and will be designed to support vehicle-grid integration. On-site demand for EV charging shall be reported in each year's Annual Report.

**Note: Yes, the requirement for all stalls to be EV-ready goes beyond current City Code, but the Developer has indicated that this is agreeable through their Guiding Principles. EV-ready infrastructure will be critical as EV-adoption grows. The cost barrier for installing after parking lots are paved and trees are established may result in EV charging demand at the site to outpace available charging stalls.**

*Developer commitment: All commercial parking areas will be designed with infrastructure to allow for the installation of EV charging stations.*

- All housing shall include one Level 2 EV charger per unit or, if a multifamily building is provided parking at a ratio of less than 1:1, one Level 2 EV charger per parking stall. Townhomes, if built to accommodate two vehicles, will be prewired to allow for the installation of a second charger.

• **Note: Yes, the requirement for all multi-family stalls to have EV charging goes beyond current City Code, but the Developer has indicated that this is agreeable through their Guiding Principles. I don't believe that this condition should change to match current City code, but at the very least each stall should contain EV-ready infrastructure. The cost barrier for installing after parking lots are paved and trees are established may result in EV charging demand at the site to outpace available charging stalls.**

*Developer Commitment: Same*

• All commercial parking for non-electric SOVs shall be paid parking. To encourage occasional bus use, no discounts for monthly parking versus daily parking will be allowed.

**Note: Market analysis has not been completed to support the City's comment that paid parking for commercial cannot be implemented at this site. Only market analysis for Downtown was completed. As a UC Davis employee, I can attest to the fact that paid parking discourages my use of a vehicle and motivates daily use of bike or bus to travel to campus. Paid parking also serves to reduce the cost increase per trip for using transit such as the Capital Corridor.**

• The Project shall be exempt from parking minimums otherwise required by the City for new development. Specifically, the minimum number of parking spots necessary for the Project shall be informed by the Project's TDM plan rather than general minimum parking requirements.

**Note: The City has indicated in their Baseline Project features a parking maximum but no exemption from parking minimums required by City Code.**

#### Landscaping and Water Conservation

To reduce Project demand on groundwater and potable water and to provide appropriate habitat for native species, the developer shall commit to the following measures:

• All Project landscaping shall be adapted for climate change, drought resistant, pollinator friendly, and maintained organically.

• Native and drought-tolerant plants shall predominate the plant palette. A diversity of native habitats—including but not limited to riparian and California oak savanna—shall be maintained throughout the Project site, primarily but not exclusively within the agricultural buffer and along the drainage channel.

*Developer commitment: same*

• Turf shall be used only in areas (such as "The Oval" or organized sports fields) programmed for activities that require turf.

**Note: Change in NRC language to remove "strongly discourage" and make feature more enforceable, in response to City staff comment.**

*Developer Commitment: Turf will be strongly discouraged and utilized only in areas programmed for activities such as the Oval.*

• The Developer shall engage with the Center for Land Based Learning, the UC Davis Arboretum, or other local expert(s) to design and manage its open and landscaped buffer areas. Landscape plans shall be subject to City review, including review by the Open Space and Habitat Commission and the Tree Commission.

*Developer commitment: same*

- Consistent with the City’s stormwater permit and regulations, stormwater runoff shall be captured, conveyed, and detained onsite in a series of bioretention facilities and similar devices intended to filter the runoff, maximize groundwater recharge, and provide deep watering for onsite vegetation.

*Developer commitment: All runoff will be captured, conveyed and detained onsite in a series of bioswales intended to filtrate and clean the run-off and maximize groundwater recharge.*

- To prevent flooding of the channel, stormwater flows shall be retained onsite using swales, ponds, or other appropriate facilities, consistent with City stormwater regulations and system capacity. Stormwater facilities necessary to meet these regulations must be located on-site or on another privately-owned property incorporated within City boundaries. The stormwater facilities should be sized following a joint hydrological investigation with the City.

**Note: Changes to the NRC language since first submittal and response by City in staff report. The Project should not contribute flows to the Howatt property beyond what is already contributed by the undeveloped site. Additional property that is downstream of the DISC site could be purchased by the developer and annexed for use for the site’s stormwater retention.**

- The Developer shall install infrastructure suitable for conveying non-potable water to meet all landscape irrigation demands. The Developer shall convert this system to reclaimed/greywater water if and when such service is made available.

**Note: The distinction between “purple pipe” and infrastructure for reclaimed/greywater is important. Recycled water is unlikely to be provided by the City to the site, due to affordability assessed by the City in their 2018 Recycled Water Master Plan. Reclaimed/greywater may be available from the Project itself.**

*Developer commitment: Developer will install recycled “purple pipe” infrastructure which will convey non-potable water for use in all landscaping. Developer will convert this system to reclaimed water if and when such service is made available.*

- All greywater shall be reused onsite where practical and permissible. The Developer shall install infrastructure (including two-way valves and piping) to support use of greywater from laundry facilities in all townhomes. The Developer shall also identify opportunities for using greywater in multi-family housing and commercial buildings, and shall install infrastructure needed to pursue such opportunities. The MOA shall review proposed uses of greywater to prevent pollution. The MOA may require owners to revisit/update proposed plans for greywater reuse in the future, and may require installation of additional infrastructure as appropriate.

**Note language requiring greywater only where “practical and permissible”. Clearly not all greywater can be reused in an economical method, especially without knowing the nature of the commercial activity on the site. But where it can be reused, it should be.**

## Housing

Housing is included in the Project to maximize environmental benefits of mixed-use development. Specifically, including housing alongside commercial buildings and workplaces encourages walking and biking as commuting options, reduces air-quality impacts, and reduces the Project’s overall carbon footprint. To further increase the sustainability benefits of onsite housing, the Developer shall commit to the following:

- All Project housing shall be medium- and high-density, incorporating 15–50 units per acre. No single-family detached housing shall be permitted.

*Developer commitment: same*

- Housing shall be designed to meet the housing needs of the anticipated Project workforce and shall not resemble student-oriented housing found elsewhere in the City. No unit shall include more than three bedrooms. No rental apartment shall include more two bedrooms.

*Developer commitment: same, except clarification of “Project workforce” by NRC*

- Housing construction shall be directly linked to the development of commercial space at a ratio of no more than one dwelling unit per 3,000 square feet of nonresidential space[1]. This linkage will correlate the availability of housing with the creation of jobs which will maximize ARC employee occupancy of the housing.

*Developer commitment: same, except change to ratio of 1 unit per 2,000 square feet (see footnote)*

- To provide an opportunity for a car-free lifestyle, parking associated with multifamily rental housing will be unbundled. Multifamily rental units will be charged for parking separate from rent.

*Developer commitment: Parking associated with multifamily housing will be unbundled, providing an opportunity for a car-free lifestyle.*

- To minimize transportation emissions, the Developer shall strive to maximize the number of Project housing units occupied by individuals working onsite. To this end, the Developer shall require employer master leasing of all rental housing and ownership of a portion of the single-family housing units and require employment for residency. These requirements shall be dependent upon a minimum firm size, to be designated by the City.

**Note, from the EIR: “the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units; if at least 60% of the Units are occupied by an Employee of the Project.” This baseline feature strives to develop the legally enforceable method through which housing will be occupied by Project employees. Before rejecting, a market analysis should be completed and made public.**

## Recycling and Waste Disposal

- All buildings and facilities shall participate in a mandatory, site-wide recycling and compost program to be managed by the MOA. Building maintenance staff will be trained in best practices for maximizing commercial recycling.

*Developer commitment: Same, except for addition of compost program by NRC.*

- All common areas that include disposal options managed by the MOA shall include solid-waste disposal cans, recycling cans, and compost bins.

*Developer commitment: same*

## Transportation Demand Management

The Project will need to implement a comprehensive set of design features and Transportation Demand Management (TDM) strategies intended to reduce vehicle trips and vehicle miles traveled (and therefore greenhouse gas emissions), encourage the use of alternative transportation modes such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling, and provide safe infrastructure for bicyclists and pedestrians. The desired outcomes of a TDM Plan shall be to reduce greenhouse gas (GHG) emissions and transportation total carbon footprint through a reduction of the Project’s vehicle miles traveled (VMT). A key strategy should be shifting away from single occupancy vehicle (SOV) use by incentivizing a mode shift to walking, bicycling, public transit, private transit, and/or 3+ carpool.

- A designated TDM manager shall be identified for the Project. The TDM manager shall represent the Developer, MOA, or other equivalent Project-related body, and shall report directly to the City.

*Developer Commitment: Developer will adopt and implement a Transportation Demand Management (TDM) Plan with a designated TDM manager that reports directly to the City.*

- Prior to, or concurrent with, adoption of Final Development Agreement, the Developer shall create a TDM plan that includes quantitative goals and temporal benchmarks for shifting away from single-/low occupancy vehicle use. The TDM plan shall also include metrics for assessing progress towards these goals and benchmarks. Responsibility for this task shall reside with the designated TDM manager.
  - The TDM plan shall include actions that will result in a reduction of GHG emissions consistent with the City's then current Climate Action and Adaptation Plan (CAAP) and the goal of the City Council to achieve carbon neutrality by 2040. Subsequent phases of the Project shall not be permitted for construction unless the GHG-driven benchmarks for the previous phase of the Project are met.
  - The TDM manager shall coordinate implementation of the Project's TDM strategies with UC Davis to ensure that relevant efforts by both parties are aligned and allow for cooperative ventures where appropriate.
  - An additional goal of the TDM program shall be mitigation of daily traffic congestion generated by the project by reducing daily SOV trips by at least 33% compared to the business-as-usual (unmitigated) scenario predictions in the SEIR. In other words, at full buildout the project must generate fewer than 16,000 SOV trips per day (compared to the 24,000 trips predicted in the SEIR). This reduction requirement is to be applied incrementally at each phase of the Project. If daily SOV trips for each phase are not 33% lower than the business-as-usual (unmitigated) projections in the SEIR, then construction of the next phase shall not be permitted.
- Prior to the commencement of construction of each phase of the Project, the Developer/MOA shall commission a traffic study which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary beyond those specified later in this document. This analysis will also inform the City on mode share and the potential need for increased public transit services.

*Developer Commitment: Prior to the commencement of construction of each phase, a traffic study shall be prepared which measures in- and out-flow from the Project and identifies traffic patterns. This analysis will be shared with the City to determine which traffic mitigation measures are necessary to accommodate each phase of development. This will also serve to inform the City on mode share and to trigger the need for increased transit services.*

- The Developer/MOA shall review and update the TDM Plan every 2 years. The TDM Plan update shall include results of a travel behaviors survey, to be completed annually by the Developer/MOA. The annual survey shall include the travel behaviors of Project residents and employees (e.g., where employees live and by what mode they get to and from work; where residents work and by what mode they get to and from home). The updated TDM Plan, including survey results, shall be made publicly available.
- Prior to Phase 1, the Developer and the City shall agree upon a process for monitoring and evaluating TDM goals on an annual basis, modeled on the process detailed in the Nishi Gateway Project Sustainability Implementation Plan (2015). This monitoring and evaluation process will include an Annual Report, to be transmitted to the City, which details progress towards the actions outlined in the TDM plan and specification of actions required when TDM goals are not met. *(It should be noted that vehicle trip monitoring in the Nishi SIP is a surrogate for transportation GHG emissions, while modeling to estimate actual GHG emissions is preferred for DISC.)*

The Project shall include the following features, in addition to features identified by the TDM Plan, to encourage a shift to alternative transportation modes, such as walking, bicycling, micromobility, public and private transit, and ridehailing/pooling:

- The Project shall be designed to accommodate and incentivize private transit, local transit (Unitrans), and regional transit (Yolobus) through the following measures:
  - The Project shall include a central transit plaza to serve as the hub for a variety of mode shares.

*Developer Commitment: The Project shall be designed to accommodate internal, local and regional transit. It will include a centralized multi-use pedestrian plaza, which will serve as a*

*designated connection point for multi-modal transportation including corporate shuttles with connection to Amtrak, future on-site shuttles, and micromobility alternatives (e.g. bike-, skateboard-, and scooter-share services). It is anticipated that, when the Project reaches critical mass, local and regional bus service may also choose to provide direct bus service to the plaza, therefore the plaza will be designed to accommodate this mode share as well.*

- The Project shall include transit stops located throughout site to ease pedestrian access such that no transit stop is further than 400 meters from any occupied building.
- The Developer shall petition Yolobus and Unitrans to increase the frequency and capacity of bus service to the central transit plaza as the Project develops. The Developer shall provide funding, if necessary, to the transit services to implement the change.
- Phase 2 cannot commence until after the implementation of an on-demand electric transit to and from UCD and scheduled electric transit to and from the Amtrak/Capital Corridor station running weekdays including the AM to PM peak commute periods.

*Developer Commitment: At Phase 1, Developer will participate in and contribute toward an electric shuttle service running weekdays from the AM to PM peaks, connecting commuters from ARC and 2nd Street to UC Davis and the Amtrak station.*

- To promote transit use, the MOA shall provide upon request free passes for local and regional transit service (e.g., a unlimited access pass similar to Yolobus and Unitrans' pass for UC Davis undergraduates) to the Project's residents and employees.
- The Project shall include parking to accommodate single-occupancy vehicles (SOVs) and carpool vehicles while also incentivizing other modes of transportation:
  - As part of the TDM plan, the Developer will determine the appropriate number of parking stalls, which may be fewer than City parking minimums. Commercial parking requirements shall be determined by the TDM plan. For residential development no more than one stall per residential unit shall be provided onsite.
  - All employers shall create through the MOA or participate in a regional carpool program that is modeled after and functionally equivalent to the UC Davis goClub carpool program. The program shall be open to all Project residents and employees.
  - Carshare and preferential carpool spaces shall be provided, with the number of appropriate stalls to be specified in the TDM plan.
  - Parking costs shall be unbundled from the cost of other goods and services. A separate fee shall be charged for all parking spaces (commercial and residential).
  - Parking cash-out programs shall be offered by any employer who provides a parking subsidy to employees, to give employees who do not drive a cash benefit equivalent to the value of the offered parking subsidy. The MOA shall be in charge of ensuring that employers comply with this program and shall record participation in the Annual Report.
- The Developer shall provide bicycle facilities and infrastructure comparable to the City's Platinum-level Bicycle Friendly Community Certification to support bicycling within and to the site, including the following features:
  - Provide short term bicycle parking, as required by Davis Municipal Code.  
*Developer Commitment: Developer will provide for bicycle parking spots, as is required by Davis Municipal Code 40.25A. Developer estimates that the total bicycle parking spots within the Project will range from 2,000-2,150 spots.*
  - Provide end-of-commute facilities (showers, lockers, changing rooms) and support electric bicycle charging in all commercial buildings.
  - Provide covered and secured long-term bicycle parking at central locations within the site and at the central transit hub.
  - Provide community bicycle repair facilities.
  - The MOA shall implement a bicycle share program including electric-assist bicycles for employees and residents to use on and off the Project site.



- A bicycle network of Class IV protected cycle tracks shall connect bicyclists to all areas of the site and all key connecting streets/facilities.
- The Developer shall provide accessible sidewalks that facilitate pedestrian access within and to the site, including the following features:
  - All pedestrian access routes shall be readily accessible by all users, particularly individuals with disabilities. Street design should emphasize universal design through use of appropriate width, grade, surface material, tactile cues, audible cues, and push buttons. The Developer shall reference the United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), or other appropriate reference.

#### Site Access and Traffic Mitigation Features

The follow measures are recommended to improve site access and mitigate traffic impacts of the Project. The Developer shall fund infrastructure to mitigate traffic problems attributable to the project either wholly, where the problem is mainly caused by the Project, or proportionately, for traffic improvement measures where the Project is a partial contributor to the problem. The intent is to avoid subsidization of the Project by the City providing funding for traffic mitigation measures.

As described below, City approvals will not be granted for different phases of the Project until public and private funding are budgeted and available, and regulatory approvals have been granted. In other words, all obstacles to the start of construction have been removed.

In general, the base conditions will include at a minimum the construction or implementation of all the mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F - Transportation Impact Analysis, including the "Potential Operational Enhancements" identified in the Traffic Study. Specific projects are highlighted below, but this should not be taken as a comprehensive list. The Developer may propose alternative projects to the City, but these will not be approved unless the Developer can demonstrate that the alternative achieves equal or better site access and/or traffic mitigation without causing other problems.

The desired outcomes of site-access measures are reduction of the Project's vehicle miles traveled (VMT) through improvements for bicycle, pedestrian, and transit access to the Project site.

- Phase 1 Site Access

- The Developer shall provide sites for bus stop relocation for Yolobus and Unitrans along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are allowed by the transit agencies.

*Developer Commitment: Developer will work with Yolobus and Unitrans to maximize transit ridership with an objective to increase the frequency and capacity of bus service as the Project develops. Developer commits to provide sites for bus stop relocation along the Project frontage on Mace Boulevard and to enhance the bus stops with benches and coverings, to the extent those features are desired by the transit agencies.*

- The Developer shall fully fund construction of a new grade-separated bicycle and pedestrian crossing of Mace Boulevard, located near Alhambra Drive.
- The Developer shall contribute funding to construction of a new Class IV bicycle path and separated pedestrian path on the inside of the Mace Curve between the new grade-separated bicycle and pedestrian crossing (see previous bullet) and Harper Junior High School. Such funding shall be proportional to the use of this facility by Project residents and employees.
- The Developer shall contribute funding to construction of improved pedestrian and bicycle connections for both north-bound and south-bound pedestrian and bicycle traffic on the Mace Blvd/I-80 overpass and continuing to the Project site. Such funding shall be proportional to the use of this facility by Project residents and employees.

- Phase 2 Site Access

- The Developer shall petition to reroute Unitrans and Yolobus service off Mace Blvd. and to the central transit plaza and through the Project site. If necessary, the Developer will provide funding to the transit services to implement this change.

The desired outcomes of traffic-mitigation measures are to reduce the transportation total carbon footprint and adverse level of service (LOS) traffic impacts on roads in the Project vicinity, including Mace Boulevard, Covell Boulevard, and I-80.

- Phase 1 Traffic Mitigation

- Phase 1 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for construction or implementation of all other mitigation measures proposed in the Aggie Research Campus Subsequent EIR and Appendix F
- Transportation Impact Analysis.
- The Developer shall contribute funding to the City to study and implement bus rapid (BRT) transit strategies, including a bus signal preemption system on Mace Boulevard and Covell Boulevard for freeway access or local traffic bypass.

- Phase 2 Traffic Mitigation

- Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for a rush-hour bus and 3+ high occupancy vehicle (HOV) lane and class IV bicycle path on the frontage road north of I-80 (county road 32) to allow traffic to bypass the Mace Blvd east bound on-ramps and west bound off-ramps to I-80.
- Phase 2 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for the construction of bus/3+ HOV lanes on I-80 west of causeway between Richards Blvd and the Yolo Causeway.

- Phase 3 Traffic Mitigation

- Phase 3 shall not proceed until public and private funding are budgeted and available and regulatory approvals have been granted for adding bus/3+ HOV lanes eastbound and westbound on the Yolo Causeway (I-80).

*Developer Commitment: Developer will participate in and support Caltrans-led efforts to add HOV lanes on I-80 from West Sacramento to Davis.*

## Mitigation Measures

The project shall comply with and ensure public or private funding and completion within a two-year period for all Mitigation Measures identified in the Approved Mitigation, Monitoring, and Reporting Plan.

*Developer Commitment: The Project shall comply with Mitigation Measures identified in the Approved Mitigation Monitoring Reporting Plan.*

## Implementation

Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at the DISC, a Sustainability Implementation Plan shall be developed and implemented to ensure compliance with the Environmental Sustainability Baseline Features to the satisfaction of the City.

*Developer Commitment: Concurrent with the approval of a Final Planned Development and Site Plan and Architectural Review for any structure located at ARC, a Sustainability Implementation Plan shall ensure compliance with these Sustainability Guiding Principles to the satisfaction of the City.*

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<sup>14</sup> The ratio of one dwelling unit per 3,000 square feet is different ratio than the Developer-proposed one dwelling unit per 2,000 square feet. This directly ties housing to the proposed square footage in each phase of the ARC development, to ensure that housing growth is better matched with job growth at the site.

## Nicholas Villarreal

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**From:** Alan Pryor  
**Sent:** Tuesday, June 9, 2020 7:45 PM  
**To:** Planning Commission  
**Subject:** Please do NOT recommend certification of the DISC SEIR  
**Attachments:** Good Reasons to Reject Certification of the DISC SEIR.pdf

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

Dear Commissioners - Attached are my comments in which I lay out the legal basis for NOT recommending certification of the DISC SEIR.

I sincerely apologize for the delay in getting these to you at this late hour. Unfortunately I was called away unexpectedly this morning to attend to a family emergency.

Respectfully submitted

Alan Pryor

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Alan Pryor  
916-996-4811 (cell)

## Nicholas Villarreal

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**From:** Wesley Sagewalker <wesley@spaffordlincoln.com>  
**Sent:** Wednesday, June 10, 2020 12:42 PM  
**To:** Sherri Metzker  
**Subject:** Question Regarding Staff Report for Planning Commission

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

Hello Sherri et al.,

I am sending this email to Sherri with the hopes that it will be forwarded along to the proper person who can help sort out a question I have regarding the staff report for tonight's planning commission meeting.

I have a quick question about an item on page 4 in the staff report. In the section describing the Fiscal Consideration and Net Community Benefit, it states that DJUSD will collect \$1.37 million annually in school assessments and bond levies at project buildout. I went back to the EPS report and was a bit confused because on table B-1, my reading is that EPS estimates that DJUSD will collect \$1,174,000 annually in Phase 1 between property tax revenues and parcel tax revenues from Measure G, \$2,736,000 annually in Phase 2, \$4,014,000 annually in Phase 3, and \$4,894,0000 annually in Phase 4 (buildout).

When I went through the EPS report, I could not find the \$1.37 million annual revenue number cited in the staff report, so I was hoping to rectify my confusion here.

Thank you very much. Please give me a call when you get a chance to discuss.

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Wesley Sagewalker  
Senior Director & Partner  
Spafford & Lincoln, Inc.  
(209) 768-2372  
Website: [www.spaffordlincoln.com](http://www.spaffordlincoln.com)

## Nicholas Villarreal

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**From:** Hannah Safford  
**Sent:** Tuesday, June 9, 2020 2:41 PM  
**To:** Planning Commission  
**Cc:** Natural Resources Commission; City Council Members; Sherri Metzker  
**Subject:** Re: Comments on DISC Staff Report and Baseline Features for 6/10 Planning Commission meeting  
**Attachments:** Safford\_comments on DISC sustainability baseline features.pdf

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

I noted a key typo in my initial comments. Please disregard those and refer to the attached instead.

Signed,  
Hannah Safford  
Co-chair, City of Davis Natural Resources Commission  
(415) 419-4106

On Tue, Jun 9, 2020 at 1:41 PM Hannah Safford <[hannahsafford@gmail.com](mailto:hannahsafford@gmail.com)> wrote:  
Commissioners,

Please see my attached comments for distribution and consideration prior to your June 10 meeting. My comments pertain to the NRC's recommended baseline features for the DISC project, as well as to the staff responses to those recommendations. My comments build on the comments submitted by Richard McCann via email today.

Signed,  
Hannah Safford  
Co-chair, City of Davis Natural Resources Commission  
(415) 419-4106

## Nicholas Villarreal

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**From:** puma@dcn.org  
**Sent:** Monday, June 8, 2020 7:50 PM  
**To:** Sherri Metzker  
**Subject:** Replies to responses to Comments on Aggie Research Campus SEIR  
**Attachments:** Smallwood replies to responses to comments on Aggie Research Campus EIR\_060820.pdf

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

Greetings,

I attached my replies to responses to comments on the SEIR.

Thanks!

Shawn Smallwood  
3108 Finch Street, Davis  
530-756-4598

## Nicholas Villarreal

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**From:** Ashley Feeny  
**Sent:** Tuesday, June 9, 2020 2:35 PM  
**Cc:** Sherri Metzker  
**Subject:** SACOG Letter Re: Proposed Plan for Davis Innovation and Sustainability Campus  
**Attachments:** City of Davis.pdf

Dear Commissioners,

Please find the subject letter from SACOG regarding their review of the proposed Davis Innovation and Sustainability Campus project that will be heard before the Planning Commission on June 10<sup>th</sup>.

Thanks,

Ash

## Nicholas Villarreal

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**From:** Colin Walsh  
**Sent:** Wednesday, June 10, 2020 9:38 AM  
**To:** Planning Commission  
**Subject:** Tree Commission Recommendations for DISC  
**Attachments:** Tree Commission Recommendation.pdf

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

Dear Planning Commissioners,

I am a member of the Tree Commission and served on the ARC/DISC subcommittee, but I am writing to the planning commission representing only myself.

I would like to urge the Planning Commission to adopt the Tree Commission Recommendations for the DISC project in their entirety as they appear on page 05-169 – 05-173 of the staff report for the June 10 meeting. I am attaching those recommendations here.

The Tree Commission put considerable effort and research into our recommendations for the DISC project. Our subcommittee met 3 times over zoom in the short week we had to make our recommendations. In that time we consulted with 2 current professors at UCD who are experts on the subject of urban habitat and sustainable landscaping. We consulted with a member of Tree Davis who is a retired professor and one of the leading experts in urban forestry. We consulted with members of the Planning Commission, the Natural Space and Habitat Commission and the Natural Resources Commission. We also consulted with the City of Davis Urban Forest Manager/Arborist.

The subcommittee also surveyed existing best practices in the City and even did on site visitation to help measure tree density of effective plantings providing shade to make sure our recommendations were achievable by the developer and would provide effective shade for the project. It was no small task to consider all of this input in our recommendations to the DISC Developer and the planning commission.

I personally spoke with a representative of the development team, but when we attempted to make contact a second time to ask that he speak with the full subcommittee our multiple phone calls were not returned. It was our subcommittee's hope that our recommendations be practical and implementable for the developer. At our meeting where we adopted our recommendation, the developer was in attendance and offered no input.

The Tree Commission also held a special meeting to finalize our recommendations in time to deliver them to the planning commission. The full Commission only strengthened the subcommittee recommendations, and the commission approved the recommendations on a unanimous vote.

I think it is somewhat disappointing that the developer has adopted none of the Tree Commission recommendations that were not already included in the developer's "Tree Commitments" document. From looking at other Commission's recommendations it seems that was the case for many Commissions and recommendations

I also want to note that we gave careful consideration as to what recommendations should be baseline features, and what recommendations should be included in the development agreement. My Commission gave careful consideration to not providing onerous baseline features that would be difficult to implement or change in the future.

I urge the planning commission to adopt the Tree Commission recommendations as part of the DISC project.

This email would become quite lengthy were I to list all of the specific reasons for our recommendations so I will leave that out for consideration of time, but I will be in attendance at the Planning commission meeting tonight and would gladly answer questions about the Tree Commission recommendations if called upon to do so. I am also available by phone or email all day today. The Tree Commission recommendations were carefully considered and offered in the hopes of helping create the best project for Davis.

Best Regards,

Colin Walsh

310-529-6906

[colintm@gmail.com](mailto:colintm@gmail.com)



## Nicholas Villarreal

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**From:** ann privateer <annrachele@yahoo.com>  
**Sent:** Wednesday, June 10, 2020 2:57 PM  
**To:** Planning Commission  
**Subject:** Re: Item 5, DISC Project and EIR Issue

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

Dear Planning Commission,

I oppose going forward on these projects. The city of Davis has been extremely generous to provide housing for students. Because the university is now closed, we no longer have jams of street parking, jams of cars on the freeway. My son who works in city planning in Europe and Asia recently said to me the old university model of building and growing is a thing of the past.

I look for a kinder city interested in everyone. Many Davis teachers have to live in Woodland because of cost. In my opinion we need to offer affordable housing/apartments for young families. They are our future, they will stay. This pandemic is teaching us about the future. Let's learn. Growth is not the answer.

Thank you,  
Ann Privateer

Sent from my iPad

## Nicholas Villarreal

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**From:** Donald Jackson <djackson1513@gmail.com>  
**Sent:** Tuesday, June 9, 2020 11:39 AM  
**To:** Sherri Metzker  
**Subject:** Re the Final SEIR

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

Hi Sherri,

Sorry for sending this last minute. I live in mace ranch. Just wondering, given the amount of air traffic that comes over this area, has the noise level been properly address in regards to the new 850 residential planed development. Depending on the wind direction, the development will be under the flight path. I heard comments from mace ranch residence about the noise and planes do come over our area to make the larger turn to land.

Just wanted to put in my 2 cents as a davis residence to the county board.

Thanks  
Donald Jackson  
530-902-3638