

RESOLUTION NO. 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE AGGIE RESEARCH CAMPUS PROJECT, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING OF THE MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, an Environmental Impact Report (“EIR”) was prepared by the City of Davis in connection with the formerly proposed Mace Ranch Innovation Center (MRIC) Project, which proposed the annexation of approximately 229 acres, comprised of the 212-acre MRIC site (including a 25-acre City-owned property) and 16.5-acre Mace Triangle site, both located immediately east of the City of Davis city limits, near the “Mace Curve,” in unincorporated Yolo County, approximately 2.5 miles east of Downtown Davis. The MRIC Project included the build-out of up to 2,654,000 square feet of innovation center uses and dedication of 64.6 acres of green space on the 212-acre site. The City included the Mace Triangle Site within the project boundaries and evaluated development of up to 71,056 square feet of general commercial uses. The MRIC EIR also analyzed with equal weight a Mixed-Use Alternative, which provided the same non-residential square footage and land uses but included up to 850 workforce housing units; and

WHEREAS, at the applicant’s request, on September 19, 2017, the MRIC Project was brought before the City Council for consideration and certification of the EIR without concurrent consideration to approve a project, and the City Council adopted Resolution 17-125, certifying the Final MRIC EIR (State Clearinghouse # 2014112012); and

WHEREAS, in 2019, the applicant proposed a revised project, referred to as “Aggie Research Campus” (subsequently renamed as “Davis Innovation and Sustainability Campus”) that is substantially similar to the Mixed-Used Alternative analyzed in the MRIC EIR. The proposed Aggie Research Campus (“ARC”) Project involves the same 229-acre annexation area as the MRIC Project, located immediately east of the City of Davis city limits, near the “Mace Curve,” in unincorporated Yolo County, approximately 2.5 miles east of Downtown Davis. The Project would include development of the 194-acre ARC site with approximately 2,654,000 square feet of innovation center/business uses, up to 260,000 square feet of which may be developed with supportive commercial uses, and 850 workforce housing units. The SEIR also evaluates the future development of up to 71,056 square feet of general commercial uses on the 16.5-acre Mace Triangle site. The Project requires the following approvals from the City of Davis: General Plan Amendment, prezone, development agreement, and action by the City Council to set the baseline features of the project and call for an election. In addition, the Project requires Yolo County Local Agency Formation Commission (LAFCO) review and approval of a Combined Municipal Service Review (MSR) and Sphere of Influence (SOI) Amendment in order to bring the 229-acre project site within the City of Davis’s SOI; annexation of the entire 229-acre project site into the City of

Davis; and detachment of the entire 229-acre project site from the East Davis County Fire Protection District. The City will need to issue additional discretionary approvals for the ARC Project prior to any on-site development being allowed (collectively, the “ARC Project”); and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. sections 15000, *et seq.*) (“CEQA Guidelines”), the City is the lead agency for the Project; and

WHEREAS, CEQA encourages “tiering” EIRs for a sequence of actions so that later EIRs build on information in previous EIRs (Public Resources Code sections 21068.5 and 21093; CEQA Guidelines section 15152(d)); and

WHEREAS, in situations where a lead agency has certified an EIR for a project, and then the project is modified, the lead agency may prepare an addendum, a supplement to an EIR, or a subsequent EIR, depending on the nature of the modifications. Because substantial changes have occurred with respect to circumstances under which the project would be undertaken, thus requiring major revisions of the previous EIR in select sections due to the involvement of new significant effects of substantial increase in the severity of previously identified significant effects, the City, as lead agency, decided to prepare a Subsequent Environmental Impact Report (“SEIR”) for the ARC Project, which would tier off of the MRIC EIR; and

WHEREAS, on December 2, 2019, the City conducted a public comment meeting to provide information on the ARC Project and to receive comments on the range of issues to be addressed in the SEIR. The City also accepted written comments from public agencies and the general public from December 2, 2019, to December 16, 2019; and

WHEREAS, the City subsequently contracted for the independent preparation of a Draft Subsequent Environmental Impact Report (the “Draft SEIR”) (SCH #2014112012) for the ARC Project, including all necessary technical studies and reports in support of the Draft SEIR; and

WHEREAS, on March 13, 2020, the Draft SEIR for the ARC Project was completed and a Notice of Availability (“NOA”) was issued. In accordance with CEQA and the CEQA Guidelines section 15105, the City circulated the NOA and Draft SEIR, with its appendices, to the public, responsible and trustee agencies, and other interested parties for a 45-day public comment period, from March 13, 2020, through April 27, 2020; and

WHEREAS, on April 22, 2020 the Planning Commission conducted a web-based public workshop on the Draft SEIR. The Draft SEIR was also reviewed by the City of Davis Bicycle, Transportation, and Safety Street Commission on April 9, 2020; by the Natural Resources Commission on April 27, 2020; and by the Open Space and Habitat Commission on April 6 and April 23, 2020; and

WHEREAS, the City prepared written responses to all comments timely received on the Draft SEIR, and those responses to comments are incorporated into the Final Subsequent Environmental Impact Report (the “Final SEIR”). The responses to comments were distributed to all public agencies that submitted comments on the Draft SEIR at least 10 days prior to certification of

the Final SEIR. The written responses to comments have been made available for public review on the City's website; and

WHEREAS, the Final SEIR for the ARC Project includes the analysis in the Draft SEIR, with clarifications, revisions, and corrections to the Draft SEIR. The Final SEIR also consists of all appendices to the Draft SEIR and Final SEIR, the Comments and Responses to Comments on the Draft SEIR, and the Mitigation Monitoring and Reporting Program; and

WHEREAS, on June 10 and June 17, 2020, the Planning Commission of the City of Davis held a study session and a duly noticed public hearing to review and consider the Final SEIR and the proposed ARC Project, and voted to recommend that the City Council certify the Final SEIR, make CEQA findings, adopt a Statement of Overriding Considerations, and adopt Mitigation Monitoring and Reporting Program; and

WHEREAS, on _____, the City Council held a duly noticed public hearing on the proposed ARC Project and received presentations from staff, the SEIR consultant, and the applicant; asked and received questions and received answers and information; and heard and considered additional public testimony.

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

Section 1. The City Council hereby finds that the above recitals are true and correct, and hereby incorporates them herein as though set forth in full by this reference.

Section 2. The City Council hereby finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Final SEIR and the ARC Project.

Section 3. The findings made in this Resolution are based upon the information and evidence set forth in the Final SEIR and upon other substantial evidence that has been presented at the hearings and in the record of the proceedings. The Final SEIR, staff reports, technical studies, appendices, plans, specifications, and other documents and materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the Department of Community Development and Sustainability, City of Davis, 23 Russell Boulevard, Suite 2, Davis, California, 95616. The custodian of records is the City of Davis Department of Community Development and Sustainability. Each of these documents is incorporated herein by reference.

Section 4. CEQA Guidelines Section 15091 requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant effect identified in the Final EIR, accompanied by a brief explanation of the rationale for each finding:

(a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR; or,

(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,

(c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Section 5. The required findings are set forth in Exhibit A (Findings of Fact and statement of Overriding Considerations), attached hereto and incorporated herein by reference.

(a) Environmental impacts identified as significant and unavoidable in the Final EIR are described in Exhibit A, Section III.

(b) Environmental impacts identified in the Final EIR as less than significant with mitigation imposed are described in Exhibit A, Section IV.

(c) Environmental impacts identified in the Final EIR as having no impact, a less than significant impact, or a less than cumulatively considerable impact without mitigation are described in Exhibit A, Section V.

(d) Findings related to significant irreversible environmental changes, growth-inducing impacts, and energy consumption are set forth in Exhibit A, Sections VI, VII, and VIII.

(e) Alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Exhibit A, Section IX.

Section 6. Prior to taking action, the City Council has heard, been presented with, reviewed, and considered the information and data in the record, including oral and written testimony presented to it for and during public hearings. The City's independent environmental consultants and City staff reviewed and analyzed the comments received on the ARC Project's environmental review. No comments or any additional information submitted to the City have produced any substantial new information requiring additional environmental review or re-circulation of the SEIR under CEQA because no new significant environmental impacts were identified, nor was any substantial increase in the severity of any previously disclosed environmental impacts identified.

Section 7. The City Council, pursuant to Guidelines Section 15090, certifies that (1) the Final SEIR reflects the City's independent judgement and analysis; (2) the Final SEIR was presented to, and reviewed and considered by, the Planning Commission and the City Council; (3) the City reviewed and considered the information contained in the Final SEIR; and (4) the Final SEIR has been completed in compliance with CEQA.

Section 8. The City Council hereby adopts the Findings of Facts within Exhibit A.

Section 9. CEQA Guidelines Section 15093 requires that if a project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the project. The Statement of Overriding Considerations is

contained within Exhibit A, Section X. For project-level and cumulative significant and unavoidable impacts to aesthetics and visual resources, agricultural resources, air quality, greenhouse gas emissions, and transportation and circulation; and cumulative significant and unavoidable impacts to fire protection services, the City Council hereby adopts the Statement of Overriding Considerations. The City Council finds that each of the overriding benefits by itself would justify proceeding with the proposed ARC Project despite any significant unavoidable impacts identified in the Final EIR or alleged to be significant in the record of proceedings.

Section 10. Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B and incorporated herein by reference, adopts each mitigation measure set forth therein, and imposes each mitigation measure as a condition of the proposed Project's approval.

Section 11. The City Clerk shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and its certification to be entered into the administrative record.

PASSED AND ADOPTED by the City Council of the City of Davis on this ___ day of _____, 2020, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

ATTEST:

City Clerk

EXHIBIT A

- FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION FOR THE

- AGGIE RESEARCH CAMPUS PROJECT

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

- I. INTRODUCTION

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

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

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

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

- No Project (No Build) Alternative;
- Reduced Site Size Alternative;
- Reduced Project Alternative;
- Off-Site Alternative A (Davis Innovation Center Site);
- Off-Site Alternative B (Covell Property); and
- Mixed-Use Alternative.

The Findings of Fact set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the project. The Findings provide the

Findings of Fact and Statement of Overriding Consideration

written analysis and conclusions of this Council regarding the project’s environmental impacts, mitigation measures, and alternatives to the project.

With respect to a project for which significant impacts are not mitigated to a less-than-significant level, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors*, 216 Cal. App 3d (1989), at p. 576.) The SEIR for the Aggie Research Campus Project¹ concluded the project would create significant and unavoidable impacts with regard to Aesthetics and Visual Resources, Agricultural and Forest Resources, Air Quality, Greenhouse Gas Emissions, Transportation and Circulation, and Cumulative Impact areas; thus, a Statement of Overriding Considerations is required. The Statement of Overriding Considerations set forth below, in this Council’s view, justify approval of the project, despite its environmental effects.

- **II. GENERAL FINDINGS AND OVERVIEW**
- **Procedural Background**

An EIR for the formerly proposed Mace Ranch Innovation Center (MRIC) Project was prepared by the City of Davis, and at the applicant’s request, brought before Davis City Council for consideration to certify the document without concurrent consideration to approve a project. On September 19, 2017, the City Council adopted Resolution 17-125, certifying the Final MRIC EIR (State Clearinghouse # 2014112012) for the MRIC Project (“Certified MRIC EIR”). In 2019, the applicant team chose to bring forward a mixed-use project that is substantially similar to the Mixed-Use Alternative evaluated in the Certified MRIC EIR at an equal-weight to the MRIC Project. The equal-weight analysis of the Mixed-Use Alternative is contained in Chapter 8 of the Certified MRIC EIR. As part of the applicant’s current proposal, referred to as “Aggie Research Campus” (ARC), minor changes to the Mixed-Use Alternative have been proposed.

In situations when a lead agency has certified an EIR for a project, and then the project is modified, requiring additional environmental review, the lead agency may prepare a subsequent EIR (SEIR). Substantial changes have occurred with respect to circumstances under which the project would be undertaken, thus, requiring major revisions of the previous EIR in select sections due to either the involvement of new significant effects (e.g., construction NO_x emissions) or substantial increase in the severity of previously identified significant effects (circulation system effects), though such is the case for

¹ Subsequent to circulation of the SEIR, the project was renamed “Davis Innovation and Sustainability Campus” but for purposes of this document, the project will be referred to as the Aggie Research Campus or ARC.

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a small subset of environmental topics. As a result, the City of Davis, as the CEQA lead agency, has prepared a SEIR for the ARC Project.

While preparation of a new Notice of Preparation (NOP) and subsequent scoping meeting are not required for a subsequent EIR or supplemental EIR, the City of Davis chose to hold a meeting to receive comments on the range of issues that the public believes should be studied in the subsequent environmental document. As a result, the City held a public comment meeting for the proposed ARC Project on December 2, 2019.

The Draft SEIR contains a description of changes to the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts, referencing the Certified MRIC EIR as applicable. The Draft SEIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of significant impacts. Comments received at the December 2, 2019 public comment meeting were considered in preparing the analysis in the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the SEIR on March 13, 2020, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse and the County Clerk, was posted on the City's website, and was mailed to surrounding properties pursuant to the public noticing requirements of CEQA. The Draft SEIR was available for public review and comment from March 13, 2020 through April 27, 2020.

The City received 81 comment letters regarding the Draft EIR from public agencies, organizations, and members of the public during the public comment period. This also includes comments received from City Commission meetings, including the Open Space and Habitat Commission, Natural Resources Commission, and the Planning Commission. In accordance with CEQA Guidelines Section 15088, a Final SEIR was prepared that responded to the written comments received. The Final SEIR document and the Draft SEIR, as amended by the Final SEIR, constitute the Final SEIR.

- **Record of Proceedings and Custodian of Record**

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

- The Final Mace Ranch Innovation Center Project EIR.
- The Aggie Research Campus Project Final SEIR, which consists of the Draft SEIR, comment letters on the Draft SEIR, responses to comments, revisions made to the Draft SEIR text, Mitigation Monitoring and Reporting Program, and technical materials cited in the document.
- All non-draft reports and memoranda prepared by the City of Davis and consultants in relation to the SEIR.

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- Minutes of the discussions regarding the project and/or project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

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

- **Consideration of the Environmental Impact Report**

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

- SEVERABILITY

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

- **III. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

- **A. AESTHETICS AND VISUAL RESOURCES**

- **1. IMPACTS RELATED TO DEGRADATION OF THE EXISTING VISUAL CHARACTER OR QUALITY OF THE PROJECT SITE AND ITS SURROUNDINGS (SEIR IMPACT 3-2).**

(a) Potential Impact. The potential for the project to cause a substantial adverse impact to the visual character of the project site is discussed on pages 3-36 through 3-38 of the Draft SEIR.

- (b) Findings. Significant and unavoidable. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)

Findings of Fact and Statement of Overriding Consideration

- (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to the degradation of visual character of the project site cannot be mitigated to a less-than-significant level. Implementation of the ARC Project would introduce new buildings and land uses that substantially increase density and building heights on the ARC Site as compared to existing conditions. The proposed residential buildings would be a maximum of 85 feet in height, and would be clustered along Mace Boulevard and in the center of the site. The office/R&D buildings for the ARC Project would be up to 65 feet tall. The ARC Project advanced manufacturing uses would be limited to a maximum height of 45 feet, although certain features extending to a height of up to 65 feet would be permitted. Landscaping and agricultural buffers would be included for the ARC Project, and the project would be required to comply with the City's Design Guidelines. However, the ARC Project would convert what is currently an agricultural field to commercial and residential uses, and would accordingly alter the visual character and quality of the site and its surroundings. Impacts resulting from development of land uses other than the current agricultural use would be considered a significant change in the visual character or quality of the site.

As discussed in the Draft SEIR, the development of the project site would have the potential to substantially degrade the visual quality of the site as viewed from I-80 and sections of Mace Boulevard, even with implementation of landscaping improvements and compliance with the Design Guidelines. No feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX.

Mitigation Measure(s).

None feasible.

• B. AGRICULTURAL AND FOREST RESOURCES

1. IMPACTS RELATED TO THE CONVERSION OF PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE (IMPORTANT FARMLANDS) TO NON-AGRICULTURAL USE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY (SEIR IMPACT 3-5).

- (a) Potential Impact. The potential for the project to cause a substantial adverse impact related to the conversion of farmland to non-agricultural use is discussed on pages 3-41 through 3-43 of the Draft SEIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as

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identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)

- (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to the conversion of farmland to non-agricultural use under the ARC Project cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, the ARC site includes approximately 159 acres of Prime Farmland and 39 acres of Farmland of Statewide Importance, a substantial portion of which would be converted to urban uses with buildout of the ARC Project. Unlike the MRIC Project, the ARC Project would not include any urban development on the 25-acre City-owned property to the northwest of the ARC Site, which is currently designated as Prime Farmland. Thus, the ARC Project would result in slightly reduced agricultural conversion compared to the MRIC Project, but would still involve the conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural uses.

With regard to potential impacts related to excavation of an off-site detention basin, the Draft SEIR discusses (pg. 3-168) two possible engineering solutions to address the ARC Project's projected increase in total volume of runoff from the ARC Site and the Mace Triangle Site during major storm events: an off-site replacement storage area or a small pump station. The applicant's preferred location for the off-site pond (APN 033-300-015), adjacent to the Yolo Bypass levee, is considered Farmland of Local Importance,² which is not considered an agricultural resource for CEQA purposes. Pursuant to Public Resources Code Section 21060.1, CEQA addresses Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The other two City-owned properties being considered are considered Prime Farmland.

Should the replacement storage option be selected, the temporary excavation of the detention basin would not result in the conversion of farmland and agricultural mitigation would not be required. This is because the lowered area would be relatively shallow, approximately 1-foot deep, depending on the footprint selected, and approximately 100 acres in size. The maximum excavation should be limited to 2.5 feet. Topsoil would be removed and stockpiled, the selected area excavated to the design depth, and the topsoil then spread back over the lowered field. Excavation would be completed during Phase 1 over a relatively short period of 30 to 45 days, following which the field would be returned with the same slopes so that irrigation would continue in a manner similar to existing conditions and the property could remain in ongoing agricultural use; the area would only be inundated during periodic, large storm events during the winter season. In short, the land would not be permanently converted to a non-agricultural use (see Yolo County Surface Mining Ordinance, Section 10-5.525).

² California Department of Conservation, Division of Land Resource Protection. *Yolo County Important Farmland 2016 Map*. July 2017.

Findings of Fact and Statement of Overriding Consideration

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact of farmland conversion on the ARC Site:

ARC Project

- 3-5(a) *Prior to initiation of grading activities for each phase of development at the ARC Site, the project applicant for the ARC Site shall set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, an amount equal to the current phase. The applicant may choose to set aside in perpetuity an amount equal to the remainder of the ARC Site instead of at each phase. The agricultural land shall be located elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage for the proposed project is subject to the review and approval by the City Council. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the ARC Site, as well as any off-site improvements, including but not necessarily limited to the off-site sewer pipe. The amount of agricultural acreage that needs to be set aside for off-site improvements shall be verified for each phase of the ARC Project during improvement plan review. Pursuant to Davis Code Section 40A.03.040, the agricultural mitigation land shall be comparable in soil quality with the agricultural land whose use is being changed to nonagricultural use. The easement land must conform with the policies and requirements of LAFCo including a LESA score no more than 10 percent below that of the project site. The easement instrument used to satisfy this measure shall comply with Section 40A.030.060 of the City's Municipal Code.*
- 3-5(b) *The ARC Master Owners' Association (MOA) shall encourage, and exercise control over, interim agricultural operations on-site through specific terms of agricultural leases. Terms shall specify duration of leases and require each new leasee to coordinate with the Yolo County Agricultural Commissioner to determine appropriate types of agricultural crops and uses for urban/ag interface areas. The MOA shall work cooperatively with the farmer(s) to minimize incompatibilities between ongoing agricultural operations on-site and ARC businesses, such that the ARC Site can continue to be farmed successfully until the ARC Project is fully built out. Minimization measures should include the appropriate timing of on-site agricultural operations (i.e., use of equipment) to avoid early morning or nighttime noise generation; prohibiting disking operations during periods of high winds; minimization of pesticide applications; etc.*

Mace Triangle

None required.

Findings of Fact and Statement of Overriding Consideration

Implementation of Mitigation Measures 3-5(a) and 3-5(b) would reduce the ARC Project's impact related to conversion of Prime Farmland and Farmland of Statewide Importance. While implementation of the measures above would reduce the impact through preservation of agricultural land at a 2:1 ratio, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Consistent with the Davis General Plan EIR, feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the impact would remain significant and unavoidable (Draft SEIR, pg. 3-42).

- 2. RESULT IN THE LOSS OF FOREST OR AGRICULTURAL LAND OR CONVERSION OF FOREST OR AGRICULTURAL LAND TO NON-FOREST OR NON-AGRICULTURAL USE (SEIR IMPACT 3-7).
 - (a) Potential Impact. The potential for the project to cause a substantial adverse impact to agricultural land is discussed on pages 3-44 through 3-45.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to the loss of agricultural land cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, because the ARC Site is in agricultural use, agricultural mitigation is required for the development of the site with urban uses. The ARC Project would be required to preserve agricultural land at a 2:1 ratio, consistent with City of Davis Code requirements. In addition, although the Mace Triangle properties are not currently in agricultural use, the easternmost parcel, and a portion of the Ikeda's parcel, have been used for such purposes in the recent past. Accordingly, these undeveloped portions of the Mace Triangle would also be subject to agricultural mitigation per the City Code..

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-7(a) Implement Mitigation Measures 3-5(a) and (b).

Mace Triangle

Findings of Fact and Statement of Overriding Consideration

3-7(b) *Prior to initiation of grading activities for APN 033-630-012 or APN 033-630-011 within the Mace Triangle Site, the future project applicant(s) shall set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, the following approximate acreages of protected farmland for agricultural purposes:*

- *APN 033-630-011 (Ikeda's): Mitigate conversion of approximately 2.5 acres at a 2:1 ratio = 5 acres*
- *APN 033-630-012 (Easternmost Parcel): Mitigate conversion of approximately 8.4 acres at a 2:1 ratio = 16.8 acres*

The agricultural land shall be elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage for the proposed project is subject to the review and approval by the City Council. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the Mace Triangle Site as well as any off-site improvements. Pursuant to Davis Code Section 40A.03.040, the agricultural mitigation land shall be comparable in soil quality with the agricultural land whose use is being changed to nonagricultural use. The easement land must conform with the policies and requirements of LAFCo including a LESA score no more than 10 percent below that of the Mace Triangle Site. The easement instrument used to satisfy this measure shall comply with Section 40A.03.060.

Mitigation Measures 3-7(a) and (b) set forth the agricultural land mitigation requirements in Davis Zoning Code, Chapter 40A.03, on which future development on the ARC site and agricultural/fallow portions of the Mace Triangle Site shall be conditioned. While implementation of these measures would reduce the above-identified impact through preservation of agricultural land at a 2:1 ratio, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Consistent with the Davis General Plan EIR, feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the impact would remain significant and unavoidable (Draft SEIR, pg. 3-45).

• C. AIR QUALITY

- 1. VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION DURING OPERATIONS, AND A CONFLICT WITH OR OBSTRUCTION ON IMPLEMENTATION OF APPLICABLE AIR QUALITY PLANS (SEIR IMPACT 3-11).

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- (a) Potential Impact. The potential for the project to violate any air quality standards or conflict with an air quality plan during project operations is discussed on pages 3-57 through 3-61 of the Draft SEIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
- (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to air quality during project operations cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, emissions related to operations of the ARC Project, as well as operations of a potential future buildout scenario for the Mace Triangle Site, were modeled in CalEEMod. Emissions of ROG, NO_x, and PM₁₀ would exceed the applicable YSAQMD thresholds of significance under the existing plus project conditions. Accordingly, the ARC Project would result in a contribution to the region's nonattainment status of ozone and PM, and could violate an air quality standard or contribute substantially to an existing or projected air quality violation, and a significant impact would occur.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-11 *Prior to issuance of any entitlement or permit, the project applicant shall work with the City of Davis, the YSAQMD, and/or other air districts within the region (as appropriate) to develop and implement a strategy to mitigate ROG and NO_x, and PM₁₀. The strategy must reduce emissions from project operation to levels at or below the applicable YSAQMD thresholds of significance to the maximum extent feasible. Feasible on-site actions to reduce emissions shall receive highest priority for implementation. Emissions that cannot be reduced through on-site actions shall be mitigated through off-site action. The strategy and all actions shall be subject to review and approval by the City in consultation with the YSAQMD, and, if applicable, the air quality management district or air pollution control district within which the off-site mitigation project is located. On-site actions may include, but shall not be limited to the following:*

- *Reducing the total amount of paved area within the ARC Site in order to reduce off-gassing, emissions from restriping and painting, and the urban heat island effect;*
- *Using concrete or other non-emitting materials for parking lots instead of asphalt;*

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- *Reducing vehicle trips through implementation of a Traffic Demand Management program, such as that required in Mitigation Measure 3-72(a);*
- *Using passive heating and cooling systems for buildings;*
- *Using natural lighting in buildings to the extent practical;*
- *Installing mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals;*
- *Providing electric outlets outside of buildings, sufficient to allow for use of electric landscaping equipment;*
- *Hiring landscaping companies that use primarily electric landscaping equipment;*
- *Using zero-VOC paints, finishes, adhesives, and cleaning supplies on all buildings on the project site;*
- *Employing vehicle fleets that use only cleaner-burning fuels;*
- *Prohibiting the installation of natural gas fueled space and water heating equipment, and/or other large appliances such as ranges and stoves, within portions of the project; and*
- *Providing electrical vehicle charging stations in excess of local and/or State standards in each phase of the project.*

Off-site actions may include, but shall not be limited to, the following:

- *Retrofitting stationary sources such as back-up generators or boilers with new technologies that reduce emissions;*
- *Replacing diesel agriculture water pumps with alternative fuels;*
- *Funding projects within an adopted bicycle/pedestrian plan;*
- *Replacing non-USEPA wood-burning devices with natural gas or USEPA-approved fireplaces;*
- *Providing energy efficiency upgrades at government buildings;*
- *Installing alternative energy supply on buildings;*
- *Replacing older landscape maintenance equipment with newer, lower-emission equipment;*
- *Payment of mitigation fees into an established air district emissions offset program.*

The Reduction Strategy shall include requirements to ensure that the Reduction Strategy document is enforceable and measurable. A mechanism for oversight, monitoring and reporting through the project Master Owners Association (MOA) to the City shall be included as a part of the strategy. Because ROG, NO_x, and PM₁₀ are pollutants of regional concern, the emissions reductions for these pollutants may occur anywhere within the lower Sacramento Valley Air Basin (e.g., within YSAQMD, the Sacramento Metropolitan Air Quality Management District, or the Placer County Air Pollution Control District).

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In General, emissions reduction measures implemented for development within the ARC Site shall use the following prioritization:

- *First Priority – building specific actions;*
- *Second priority – onsite (within ARC Site) actions;*
- *Third priority – community based (within Davis) actions;*
- *Fourth priority – within YSAQMD jurisdiction;*
- *Fifth priority – within the Sacramento Federal Nonattainment Area; and*
- *Sixth priority – within California.*

Implementation of Mitigation Measure 3-11 would ensure that project-related operational emissions are reduced to the maximum extent feasible. However, significant uncertainty exists as to the degree to which the individual emissions reduction actions can be implemented in the ARC Project. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Consequently, given the uncertainty of implementation of the above mitigation measures, and similar to the conclusions reached for the MRIC Project, the impact of the ARC Project is anticipated to remain significant and unavoidable. (Draft SEIR, pg. 3-60).

• D. GREENHOUSE GAS (GHG) EMISSIONS AND ENERGY

- 1. GENERATE GHG EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT (SEIR IMPACT 3-37).
 - (a) Potential Impact. The potential for the project to generation GHG emissions that may have a significant impact on the environment is discussed on pages 3-137 through 3-142 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to GHG emissions cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, construction of the ARC Project is anticipated to result in emissions that would exceed the 1,100 MTCO₂e/year threshold during each full year of construction for Phase 1. Due to the emission of GHGs in excess of the threshold of

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significance, construction of the ARC Project could generate GHG emissions that may have a significant effect on the environment.

In addition, the SIER analyzed the total annual GHG emissions, including annual operational GHG emissions and amortized construction GHG emissions, associated with the ARC Project. The ARC Project under existing plus project conditions would result in operational emissions of 34,458.11 MTCO₂e/year, with emissions increasing to 37,992.07 MTCO₂e/year with consideration of amortized construction GHG emissions. The emissions from agricultural activity on the site amount to 267.69 MTCO₂e/year. Accordingly, the ARC Project would result in 37,724.31 MTCO₂e/year total net new emissions, which would still be considered a substantial net increase in GHG emissions as compared to those currently emanating from the project site. The portions of the Mace Triangle Site that are assumed for future development as part of this analysis do not currently experience activities resulting in emissions of GHGs; consequently, all 1,115.89 MTCO₂e/year of anticipated emissions would be considered net new emissions. Net emissions from both the ARC Project and potential future development of the Mace Triangle Site are considered a significant impact on the environment.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-37(a) *Implement Mitigation Measures 3-11, 3-72(a), and 3-72(b).*

Mace Triangle

3-37(b) *Implement Mitigation Measure 3-11.*

Implementation of Mitigation Measures 3-72(a) and (b) would include a large number of actions that would reduce impacts related not only to air quality and transportation, respectively, but also GHG emissions. Mitigation Measures 3-72(a) and (b) require development and implementation of a Transportation Demand Management (TDM) program for the entire ARC Project. The effect of the strategies included in the TDM program would result in a reduction in overall vehicle miles traveled (VMT). In addition, Mitigation Measure 3-38(a), below, has been supplemented with examples of additional feasible measures that would reduce VMT and that were proposed in comments on the Draft SEIR. A recommendation was also made to provide an electric shuttle service to transport passengers between the ARC Project site and Downtown Davis or a similar location that would encourage the use of alternative transportation. The applicant has included this commitment in the recently released Sustainability Guiding Principles for the project, which will be included in the project's Development Agreement between the City and the applicant (see Response to Comment 11-42). Because GHG emissions are proportional to VMT, any reductions in VMT would result in reductions in GHG emissions.

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However, the ultimate efficacy of the mitigation measures is speculative at this time. Considering that the ultimate reduction in GHG emissions resulting from Mitigation Measure 3-38(a) and Mitigation Measures 3-72(a) and (b) cannot currently be quantified, project-related GHG emissions would still be considered a substantial increase as compared to those currently emanating from the project site. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the impact would remain significant and unavoidable. (Draft SEIR, pg. 3-142).

- 2. CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GHGs (SEIR IMPACT 3-38).
 - (a) Potential Impact. The potential for the project to conflict with an applicable plan, policy, or regulation related to reducing GHG emissions is discussed on pages 3-143 through 3-147 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to conflicts with a GHG reduction plan cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, the City of Davis has adopted a Climate Adaptation & Action Plan (CAAP), which is a citywide GHG reduction program for operational GHG emissions of existing and proposed developments in the City. Since adoption of the City's CAAP, the City has accelerated the desired date of net carbon neutrality to the year 2040. Accordingly, a project's compliance with the City's goal of net carbon neutrality by the year 2040 can be used to assess a project's consistency with the applicable plans, policies, and regulations related to reducing emissions of GHG in the City. Based on the results of project modeling, net new emissions from development of the ARC Site in the year 2035 would equal 37,724.31 MTCO₂e/year, and net new emissions from development of the Mace Triangle Site would equal 1,115.89 MTCO₂e/year. Between the year 2035 and 2040, operational emissions would be expected to decrease slightly, as a result of increased sourcing of grid-supplied electricity from renewable resources, decreased emissions from mobile sources as a result of improvements in statewide vehicle fleets, technologic advances, and other factors. However, the project would not meet the City's target of net carbon neutrality by the year 2040. Similarly, potential future development at the Mace Triangle Site

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is not anticipated to meet the City's target of net carbon neutrality by the year 2040. Thus, implementation of the ARC Project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG, resulting in a significant impact.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-38(a) Prior to issuance of building permits, each individual development of the ARC Project shall demonstrate consistency with the City's Climate Action and Adaptation Plan by demonstrating a fair-share reduction of GHG emissions towards an ARC Project-wide reduction goal of 37,724.31 MTCO₂e/yr, which would achieve carbon neutrality. Individual projects may choose one of the following methods for complying with this goal:

- 1. Individual future developments undergoing Design Review, may prepare a Carbon Neutrality Plan for review and approval by the City's Department of Community Development and Sustainability. The Carbon Neutrality Plan must demonstrate the individual development's compliance with the City's net carbon neutrality goal for the year 2040. Compliance with the City's net carbon neutrality goal shall be demonstrated through the use of CalEEMod, or another method or model accepted for this purpose by the City, to demonstrate that emissions from the individual development, to the extent feasible, would reach a level of carbon neutrality by the year 2040.*
- 2. If a project applicant chooses not to prepare a Carbon Neutrality Plan, the applicant must demonstrate that the individual development provides a fair-share contribution towards the ARC Project-wide emissions reductions need of 37,724.31 MTCO₂e/yr, to the extent feasible. A fair-share contribution is to be made based on the total acreage proposed for development in any given project subject to Design Review, as compared to the entire area of development proposed within the ARC Site as a whole. For the purposes of this mitigation measure, areas not anticipated for development, such as parks, open spaces, and agricultural buffer areas, are not included in the total development acreage. Therefore, the total development area, is considered to be 156.4 acres. Considering the total development area, a hypothetical ten-acre project would represent 6.4 percent of the total development area and would be required to show a GHG emissions reduction, savings, or off-set, of 2,414.36 MTCO₂e/yr from the emissions modeled herein, which would represent 6.4 percent of the total 37,724.31 MTCO₂e/yr reduction required for the project area as a whole. Proof of the fair-share GHG emissions reductions shall be submitted to the City's Department of Community Development and Sustainability.*

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Examples of measures that may be used by future development projects in either of the above options include, but are not limited to, the following:

- *Trip and/or VMT reductions due participation in a Transportation Demand Management program or similar program;*
- *Electrifying loading docks to reduce emissions from engine idling of Transport Refrigeration Units;*
- *Inclusion of on-site renewable energy beyond the level anticipated in this analysis;*
- *Institution of a composting and recycling program in excess of local standards;*
- *Implementation of an Urban Forestry Management Plan or tree planting programs;*
- *Use of energy efficient street lighting fixtures;*
- *Limit the installation of natural gas infrastructure and appliances;*
- *Provide electric-vehicle charging stations in excess of minimum requirements;*
- *Construct separated on-site paths for alternative vehicles such as electric scooters, electric skateboards, and electric bicycles;*
- *Construct dedicated parking spaces for carsharing services;*
- *Require commercial tenants at the project site to provide transit subsidies to employees;*
- *Implement relevant measures from Mitigation Measure 3-11; and*
- *Purchase of off-site mitigation credits.³*

In general, GHG reduction measures implemented for development within the ARC Site shall use the following prioritization:

- *First priority – building specific actions;*
- *Second priority – onsite (within ARC Site) actions;*
- *Third priority – community based (within Davis) actions;*
- *Fourth priority – pay GHG reduction fees (carbon offsets) into a qualified existing local program, if one is in place; and*
- *Fifth priority – other demonstrated method of reducing emissions.*

Thus, as development progresses within the project area, each individual development would be required to show GHG emissions reductions in keeping with the project-wide reduction requirement. Emissions reductions shall be demonstrated prior to issuance of building permits for each development within the ARC Site.

³ Purchase of off-site mitigation credits shall be negotiated with the City and YSAQMD at the time that credits are sought by future construction within the project areas.

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Mace Triangle

3-38(b) *Prior to issuance of building permits, each individual development at the Mace Triangle Site shall demonstrate consistency with the City's Climate Action and Adaptation Plan by demonstrating a fair-share reduction of total GHG emissions generated at buildout of the Mace Triangle Site. This SEIR preliminarily estimates that full buildout of the Mace Triangle Site, not including construction emissions, would generate 1,115.89 MTCO₂e/yr. Full operational and construction emissions shall be calculated for each individual development, at such time project level details are available, as required below:*

- *Individual future developments undergoing Design Review, may prepare a Carbon Neutrality Plan for review and approval by the City's Department of Community Development and Sustainability. The Carbon Neutrality Plan must demonstrate the individual development's compliance with the City's net carbon neutrality goal for the year 2040. Compliance with the City's net carbon neutrality goal shall be demonstrated through the use of CalEEMod, or another method or model accepted for this purpose by the City, to demonstrate that emissions from the individual development, to the extent feasible, would reach a level of carbon neutrality by the year 2040.*

Examples of measures that may be used by future development projects include, but are not limited to, the following:

- *Trip and/or VMT reductions due participation in a Transportation Demand Management program or similar program;*
- *Electrifying loading docks to reduce emissions from engine idling of Transport Refrigeration Units;*
- *Inclusion of on-site renewable energy beyond the level anticipated in this analysis;*
- *Institution of a composting and recycling program in excess of local standards;*
- *Implementation of an Urban Forestry Management Plan or tree planting programs;*
- *Use of energy efficient street lighting fixtures;*
- *Limit the installation of natural gas infrastructure and appliances;*
- *Implement relevant measures from Mitigation Measure 3-11; and*
- *Purchase of off-site mitigation credits.⁴*

⁴ Purchase of off-site mitigation credits shall be negotiated with the City and YSAQMD at the time that credits are sought by future construction within the project areas.

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In general, GHG reduction measures implemented for development within the ARC Site shall use the following prioritization:

- *First priority – building specific actions;*
- *Second priority – onsite (within ARC Site) actions;*
- *Third priority – community based (within Davis) actions;*
- *Fourth priority – pay GHG reduction fees (carbon offsets) into a qualified existing local program, if one is in place; and*
- *Fifth priority – other demonstrated method of reducing emissions.*

Thus, as development progresses within the Mace Triangle Site, each individual development would be required to show GHG emissions reductions in keeping with the project wide reduction requirement. Emissions reductions shall be demonstrated at the time of submittal for building permits for each development within the Mace Triangle Site.

Implementation of Mitigation Measures 3-38(a) and 3-38(b) have been prepared to attain consistency with the City's CAAP, and have been supplemented with examples of additional feasible measures proposed in comments on the Draft SEIR. In addition, a recommendation was made to provide an electric shuttle service to transport passengers between the ARC Project site and Downtown Davis or a similar location that would encourage the use of alternative transportation. The applicant has included this commitment in the recently released Sustainability Guiding Principles for the project, which will be included in the project's Development Agreement between the City and the applicant (see Response to Comment 11-42).

With implementation of the mitigation, the anticipated operational GHG emissions would be reduced or off-set to a level of net carbon neutrality as buildout of the ARC site and the Mace Triangle Site progresses. Considering that with full implementation of Mitigation Measure 3-38(a) and 3-38(b), operational emissions would be reduced to a level of carbon neutrality, implementation of the ARC Project and potential future buildout of the Mace Triangle would not conflict with the City's CAAP and recently adopted resolution related to carbon neutrality by the year 2040 and the impact would be less than significant. However, several factors affect the certainty with which the efficacy of the following mitigation can be addressed. For instance, technologies may not exist in time to ensure that early phases of the ARC Project can meet the emissions reductions requirements on-site. Should off-site mitigation measures or the purchase of carbon off-sets be required to meet the emissions reduction requirements, the future availability of off-site mitigation or off-sets is speculative. Due to the speculative nature of the full implementation of Mitigation Measure 3-38(a) and 3-38(b), the potential exists that operational emissions would not be reduced sufficient to reach net carbon neutrality, and, similar to the MRIC Project, implementation of the project would result in a significant and unavoidable impact. (Draft SEIR, pg. 3-144). No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce

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this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX.

• E. TRANSPORTATION AND CIRCULATION

- 1. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM UNDER EXISTING PLUS PROJECT CONDITIONS (SEIR IMPACT 3-70).
 - (a) Potential Impact. The potential for the project to conflict with a program, plan, ordinance, or policy addressing the circulation system under Existing Plus Project conditions is discussed on pages 3-228 through 3-248 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Certain measures are within the responsibility and jurisdiction of another public agency, and can and should be adopted by such other agency. (State CEQA Guidelines, Section 15091(a)(2)). In addition, specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to a conflict with a plan, ordinance, or policy addressing the circulation system under Existing Plus Project conditions cannot be mitigated to a less-than-significant level. As described more fully in the SEIR, the significance of traffic-related impacts was analyzed in the SEIR based on both LOS and VMT. The City finds that it is important to include an LOS-based analysis in order to provide a meaningful comparison between the LOS analysis in the Certified MRIC EIR and the analysis in the SEIR, to consider whether there are physical improvements needed to further the current LOS-based General Plan policies, and because the Draft SEIR was released for public review before July 1, 2020 when VMT analysis becomes required. In particular, it would not be possible to compare the MRIC Project's impacts related to a conflict with a program, plan, ordinance, or policy addressing the circulation system, which were analyzed using LOS in the Certified MRIC EIR, against the impacts of the ARC Project if the SEIR considered only VMT. The SEIR also included an analysis of impacts based on VMT, which is discussed in Section 3 below (SEIR Impact 3-72).

Per the City of Davis General Plan Transportation Element, LOS E is the minimum acceptable LOS for the majority of intersections within the City, and for each City-operated study intersection in the study area. Per the Yolo County General Plan, LOS C is the minimum acceptable LOS in the unincorporated county, except as specified on designated roadways. LOS D is the minimum acceptable LOS for CR 32A. For the I-80 mainline and ramp terminal

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intersections LOS F is considered the design operating goal, however, significant traffic impacts may occur when project traffic causes impacts such as increased peak hour traffic volume or off-ramp queues to spill onto the freeway. (Draft SEIR pg. 227)

As discussed in the Draft SEIR, the intersections along Mace Boulevard at Alhambra Drive and 2nd Street are currently at LOS C or better under Existing No Project conditions, but would degrade to LOS F with the addition of ARC Project traffic during the AM and PM peak hours. The additional employee and residential growth from the ARC Project would generate new peak period vehicle trips that would contribute to existing and future LOS F conditions on the I-80 mainline, and the proposed project would also add several hundred new peak hour vehicle trips between the project site and the I-80/CR 32A interchange located to the east of the project site. Therefore, a significant impact would occur to the circulation system under Existing Plus Project Conditions.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-70(a) *In conjunction with submittal of a final planned development, or tentative map, whichever occurs first, for each phase of development, the Master Owners' Association (MOA) for the Project, or applicant (i.e., Mace Triangle project), shall submit a focused traffic impact study to determine if any of the below-listed intersection and roadway improvements are required based on the additional traffic generated by the development phase. The focused traffic study shall address the impact of adding the individual phase of development to existing plus other approved/pending development projects. Existing conditions should represent conditions present at the time of each study. The traffic study shall use the current version of the City travel demand forecasting model available at the time of the study, and the traffic operations analysis methods utilized in this SEIR. If operations are found to have declined to unacceptable levels based on the relevant criteria under Standards of Significance, the project applicant shall construct physical improvements or pay its fair share as described prior to the issuance of the first certificate of occupancy for the first building in that phase.*

Intersection improvements

If any of the identified improvements require Caltrans or Yolo County approval, the applicant shall make a good faith effort to work with Caltrans and/or Yolo County and the City for the purpose of identifying and implementing physical improvements to the network which have a nexus to the project's impact.

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1. Southbound Mace Boulevard: Extend the second eastbound/southbound lane from Harper Junior High School to Alhambra Drive. Add a third southbound lane from 2nd Street to connect with the dedicated right-turn lane onto the I-80 WB on-ramps.
2. Northbound Mace Boulevard: Extend the third northbound lane from the I-80 WB off-ramps to connect with a new northbound “trap” right-turn lane at the Mace Boulevard/2nd Street/CR 32A intersection. Add a second northbound/westbound lane from 2nd to the Harper Junior High School signalized intersection.
3. Mace Boulevard/Chiles Road and Chiles Road/I-80 EB Off-Ramp Intersections: This pair of tightly spaced intersections (situated 450 feet apart) requires signal coordination/timing adjustments and a lane reassignment on the eastbound Chiles Road approach to Mace Boulevard due to the heavy project-related off-ramp volume during the AM. peak hour. Modifying the eastbound through lane to a shared left/through lane would require the east and west approaches to operate with split phasing. Signal coordination (particularly critical during the AM peak hour) would synchronize the green interval for the I-80 off-ramp movement with the eastbound approach on Chiles Road at Mace Boulevard to facilitate the flow of motorists off of I-80. The signal would be modified to operate the southbound left-turn and westbound right-turn during a shared overlap phase. This modification would also require the prohibition of southbound U-turns.
4. I-80 Eastbound Loop On-Ramp: This on-ramp consists of a single entry lane from southbound Mace Boulevard, which widens to a metered general purpose lane and an unmeted HOV bypass lane. During the PM peak hour, the addition of project trips would cause queue spillback from the ramp meter onto the overpass, thereby causing queue spillback to extend further upstream. The recommended modification from an unmeted HOV bypass lane to a metered general purpose lane was found to provide more ramp metering storage, and reduced effects on the surface street. Similar modifications have been considered by Caltrans elsewhere in the Sacramento region.
5. Mace Boulevard/2nd Street/CR 32A Intersection: Modify the northbound approach to add a “trap” right-turn lane. Modify the westbound approach to two left-turn lanes and a shared through-right lane. Modify westbound CR 32A between this intersection and the adjacent CR 32A/Mace Park-and-Ride/West ARC Driveway intersection to two through lanes.
6. Mace Boulevard/Alhambra Drive/South ARC Driveway Intersection: Modify the westbound approach to two left-turn lanes and a shared through-right lane. Provide a southbound left-turn lane, two through lanes, and a right-turn lane.
7. Mace Boulevard/CR 30B/North ARC Driveway Intersection: Install a traffic signal. Provide a southbound left-turn lane and two through lanes. Provide a northbound through lane and shared through-right lane.

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8. CR 32A/Mace Park-and-Ride/West ARC Driveway Intersection: Install a traffic signal. Provide a southbound left-turn lane and a shared through-right lane. Provide an eastbound left-turn lane.
9. UPRR at-grade rail crossing improvements: Reconfigure the existing at-grade crossing to improve safety and traffic functionality. Pending the outcome of the Yolo County, Union Pacific Railroad, and City of Davis planning efforts, the UPRR track/CR 32A crossing could eventually be converted from an at-grade crossing to a grade-separated crossing. A near-term improvement prior to provision of the grade separation could consist of relocating the CR32A/CR 105 intersection about 200 feet to the north and installing double gates on the south approach to the grade crossing in order to improve safety and traffic functionality at the grade crossing.
10. I-80/CR 32A interchange improvements: Construct capacity improvements at the CR 32 interchange and along CR 32A to allow this interchange to serve more project traffic.

3-70(b) *At the time of the issuance of the first certificate of occupancy and as a component of the ARC TDM program (refer to Mitigation Measure 3-72(a)), the Master Owners' Association (MOA) for the Project shall establish the baseline peak hour I-80 mainline vehicle trips by which to determine the project's change to peak hour I-80 vehicle trips. Baseline AM and PM peak hour vehicle trips on I-80 shall be calculated on the following segments:*

1. *Between Pedrick Road and Kidwell Road*
2. *Between Richards Boulevard and Mace Boulevard*
3. *Between Mace Boulevard and Chiles Road*
4. *East of Chiles Road (i.e., the Yolo Causeway)*

During the annual TDM reporting, the MOA shall determine the number of AM and PM peak hour project vehicle trips that utilize I-80 on the segments listed above. In instances where these figures exceed baseline levels by five percent or more, the MOA shall institute TDM strategies to reduce project-related peak hour vehicle trips on I-80. The implementation of TDM strategies shall reduce peak hour project vehicle trips on I-80 to an amount less than five percent of baseline levels, to the extent feasible.

TDM strategies that would reduce peak hour vehicle trips on I-80 include strategies to reduce commute and business vehicle trips to and from ARC using I-80. If these TDM strategies are not sufficient to reduce peak hour trips to baseline levels, additional TDM measures or adjustments to existing measures shall be implemented, as needed to reduce peak hour trips to an amount less than five percent of baseline levels.

3-70(c) *The applicant shall contribute a proportional share to the local contribution portion of freeway improvement projects to construct carpool lanes on I-80 between Richards Boulevard and West Sacramento. Responsibility for*

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implementation of this mitigation measure shall be assigned to the ARC and Mace Triangle on a fair share basis.

Examples of additional feasible measures that would reduce VMT and that were proposed in comments on the Draft SEIR were also incorporated into Mitigation Measure 3-38(a). In addition, a recommendation was made to provide an electric shuttle service to transport passengers between the ARC Project site and Downtown Davis or a similar location that would encourage the use of alternative transportation. The applicant has included this commitment in the recently released Sustainability Guiding Principles for the project, which will be included in the project's Development Agreement between the City and the applicant (see Response to Comment 11-42).

If the listed mitigation measures were implemented, the significant impacts would be reduced to a less-than-significant level for the local intersections, but not the freeway mainline. However, elements of several of the improvements listed in Mitigation Measure 3-70(a) would occur within Caltrans, Yolo County, and/or UPRR rights-of-way and would be subject to final approval and actions by other agencies. Moreover, because the remaining fair share contributions needed for the construction of those mitigation measure elements requiring the ARC Project's fair share contribution have not been identified by the relevant lead agency, fair share payment by the project applicant would not ensure construction. Finally, the improvements to Mace Boulevard change pending the outcome of the Mace Boulevard Corridor Plan. Therefore, the implementation and effectiveness of the mitigation measures cannot be guaranteed. Due to uncertainties regarding the ability for the aforementioned mitigation measures to reduce impacts, the impact would remain significant and unavoidable with development of the ARC Project. (Draft SEIR, pg. 3-246).

- NO OTHER FEASIBLE MITIGATION MEASURES TO FURTHER REDUCE THE IMPACT HAVE BEEN IDENTIFIED. ALTERNATIVES THAT WOULD REDUCE THIS IMPACT WERE EXAMINED IN THE EIR; HOWEVER, THE CITY COUNCIL DETERMINED THAT EACH OF THE ALTERNATIVES ARE INFEASIBLE FOR THE REASONS SET FORTH IN SECTION IX. 2. IMPACTS TO LOCAL NEIGHBORHOOD STREET TRAFFIC (SEIR IMPACT 3-71).
 - (a) Potential Impact. The potential for the project to cause a substantial adverse impact to local neighborhood street traffic is discussed on pages 3-249 through 3-250 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)

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(c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to local neighborhood traffic under cannot be mitigated to a less-than-significant level. The Davis General Plan includes policy direction (Policy TRANS 2.7) to minimize impacts of vehicle traffic on local streets to maintain or enhance livability of the neighborhoods. As discussed in the Draft SEIR, the ARC Project would add peak hour trips to Alhambra Drive or Covell/Mace Curve. In order to address increased traffic in residential neighborhoods, the General Plan recommends that traffic calming measures be considered along collector and minor arterial streets, where appropriate and feasible, to slow speeds. While the following mitigation measure would require the applicant to prepare a neighborhood traffic calming plan, and implement traffic calming measures within the residential areas, west of the project site, successful implementation of such a plan cannot be guaranteed. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, this is considered a significant and unavoidable impact.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

3-71 *Prior to final map approval, the project applicant shall fund the development of a neighborhood traffic calming plan, the City shall consider adoption of the plan, and the applicant shall fund implementation of the plan. The traffic calming plan will address the potential for the ARC Project to increase peak hour traffic volumes on local streets, including Monarch Lane, Temple Drive, Tulip Lane, Baywood Lane, Whittier Drive, Manzanita Lane, Alegre Way, and Arroyo Avenue. The traffic calming plan will also address the potential for the ARC Project to increase vehicle speeds on collector and minor arterial streets, including Alhambra Drive, Loyola Drive, 2nd Street, 5th Street, East 8th Street, Chiles Road, and Cowell Boulevard. The purpose of the plan will be to minimize, to the extent feasible, the potential for the ARC Project to increase peak hour traffic volumes on local streets and 85th percentile speeds on collector and minor arterial streets, through the use of measures proven in other neighborhoods and jurisdictions to achieve these goals, such as narrow points, neighborhood traffic circles, speed humps, stop signs (where warranted), narrow lane striping, and others. Implementation of a comprehensive traffic calming plan will incentivize traffic to use major routes such as I-80, East Covell Boulevard, Mace Boulevard, and 2nd Street, and avoiding using residential streets as cut-through routes.*

Mace Triangle

None required.

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With implementation of Mitigation Measure 3-71, the impact would be reduced. However, successful implementation of the neighborhood traffic calming plan cannot be assured due to uncertainties regarding what measures will ultimately be included in the plan, whether the plan will be approved, and whether the plan will be effective at completely eliminating the use of the affected roadways by project traffic. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, this impact is considered significant and unavoidable. (Draft SEIR, pg. 3-250).

- 3. INCREASE IN VEHICLE MILES TRAVELED (SEIR IMPACT 3-72).
 - (a) Potential Impact. The potential for the project to cause a substantial increase in VMT is discussed on pages 3-250 through 3-258 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to VMT cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, the ARC Project is considered to result in a significant impact if the project-generated VMT per service population exceeds any of the three thresholds of significance set forth in the SEIR, relative to existing local or regional VMT per service population averages.

The proposed ARC Project and future buildout of the Mace Triangle are estimated to generate 309,000 VMT and 10,800 VMT, respectively, under Existing Plus Project conditions on a typical weekday. The ARC Project would generate an estimated 39.2 VMT per service population, which is comprised of expected number of residents and employees, under Existing Plus Project conditions. Using conservative methodology, project-generated VMT per service population would measure below the VMT per service population generated by the City of Davis and by the City of Davis with UC Davis, but would measure above the VMT per service population generated by the SACOG region. Therefore, the ARC Project would exceed the three VMT thresholds of significance set forth in the SEIR, and a significant impact could occur.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

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3-72(a) *Prior to issuance of the first building permit in the first phase of development, the applicant shall develop a TDM program for the entire ARC Project, including any anticipated phasing, and shall submit the TDM program to the City Department of Public Works for review and approval. The TDM program must be designed to achieve the following.*

1. *Reduce trips to achieve one and five-tenths (1.5) Average Vehicle Ridership (AVR) in accordance with Davis Municipal Code Section 22.15.060; and*
2. *Reduce project-generated VMT such that the project achieves all three VMT significance criteria.*

The Master Owner's Association (MOA) shall be responsible for implementing the TDM Program.

(a) The MOA shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the project-generated VMT and AVR objectives, which may include, but are not limited to, the following:

- (1) Establishment of carpool, buspool, or vanpool programs;*
- (2) Vanpool purchase incentives;*
- (3) Cash allowances, passes or other public transit subsidies and purchase incentives;*
- (4) Low emission vehicle purchase incentives/subsidies;*
- (5) Parking management strategies including limiting parking supply, as may be determined appropriate through subsequent traffic studies for each phase; charging parking fees; unbundling parking costs; and providing parking cash-out programs;*
- (6) Full or partial parking subsidies for ridesharing vehicles;*
- (7) Preferential parking locations for ridesharing vehicles;*
- (8) Computerized commuter rideshare matching service;*
- (9) Guaranteed ride-home program for ridesharing;*
- (10) Alternative workweek and flex-time schedules;*
- (11) Telecommuting or work-at-home programs;*
- (12) On-site lunch rooms/cafeterias;*
- (13) On-site commercial services such as banks, restaurants, groceries, and small retail;*
- (14) On-site day care facilities;*
- (15) Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program;*
- (16) Car share and bike share services;*
- (17) Enhancements to Unitrans, YoloBus, or other regional bus service;*
- (18) Enhancements to Capitol Corridor or other regional rail service;*
- (19) Enhancements to the citywide bicycle network;*
- (20) Dedicated employee housing located either on-site or elsewhere in the City of Davis;*

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- (21) *Designation of an on-site transportation coordinator for the project;*
 - (22) *Implement a fair value commuting program where fees charged to single-occupancy vehicle (SOV) commuters (e.g., through parking pricing) are tied to project vehicle trip reduction targets and fee revenue is rebated to non-SOV commuters, or other pricing of vehicle travel and parking;*
 - (23) *Support management strategies (e.g., pricing, vehicle occupancy requirements) on roadways or roadway lanes, particularly I-80 over the causeway;*
 - (24) *Contribute to a VMT mitigation bank or exchange to support VMT reductions elsewhere in the City or region; and*
 - (25) *Change the project to increase project trip internalization (e.g., decrease employment uses and/or increase residential uses).*
- (b) *Single-phase development projects shall achieve project-generated VMT and AVR targets within five (5) years of issuance of any certificate of occupancy. Multi-phased projects shall achieve the project-generated VMT and AVR targets for each phase within three (3) years of the issuance of any certificate of occupancy.*
- (c) *In conjunction with final map approval, recorded codes, covenants and restrictions (CC&Rs) shall include provisions to guarantee adherence to the TDM objectives and perpetual operation of the TDM program regardless of property ownership, inform all subsequent property owners of the requirements imposed herein, and identify potential consequences of nonperformance.*

Each space use agreement (i.e., lease document) shall also include TDM provisions for the site as a means to inform and commit tenants to, and participate in, helping specific applicable developments meet TDM performance requirements.

- (d) *Ongoing reporting:*
- (1) *Annual TDM Report. The MOA for the Project shall submit an annual status report on the TDM program to the City Department of Public Works beginning a year after the issuance of any certificate of occupancy and continuing until full project buildout. Data shall be collected in October of each year and the Annual Report submitted by December 31st of each year. The report shall be prepared in the form and format designated by the City, which must either approve or disapprove the program.*
 - i. *The TDM performance reports shall focus on the trip reduction incentives offered by the project, their effectiveness, the estimated greenhouse gas (GHG) emissions generated by the*

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project, and the methods by which a continued trajectory towards carbon neutrality in 2040 can be achieved consistent with Mitigation Measure 3-38(a). The report shall:

- Report the project-generated VMT levels attained;*
 - Report the AVR levels attained;*
 - Verify the TDM plan incentives that have been offered;*
 - Describe the use of those incentives offered by employers;*
 - Evaluate why the plan did or did not work to achieve the AVR targets and explain why the revised plan is more likely to achieve the AVR target levels;*
 - List additional incentives which can be reasonably expected to correct deficiencies;*
 - Evaluate the feasibility and effectiveness of trip reduction/TDM program and strategies, as implemented;*
 - Estimate the GHG emissions generated by project transportation operations; and*
 - Identify off-setting GHG credits to be secured by the project to achieve carbon neutrality.*
- ii. The MOA shall develop and implement an annual monitoring program to determine if project-generated VMT and AVR targets are being met. The monitoring program could include employee travel surveys, traffic counts at project site ingress/egress points, and other relevant information.*
- iii. If the project-generated VMT and/or AVR targets are not met for any two consecutive years, the applicant or current owner(s) of the site will contribute funding to be determined in a separate study toward the provision of additional or more intensive travel demand management programs, such as enhanced regional transit service to the site, employee shuttles, and other potential measures.*
- iv. In the event that other TDM objectives are not met as documented in the Annual Monitoring Report submitted by December 31st of each year, the MOA shall:*
- Submit to the City within thirty (30) days of submittal of the annual report, a list of TDM measures that will be implemented to meet the TDM objectives within one hundred eighty (180) days of submittal of annual report. At the end of the one-hundred-eighty-day period, the MOA shall submit a revised performance report to determine compliance with TDM objectives. No further measures will be necessary if the TDM objectives are met.*

Should the TDM objectives not be satisfied by the end of the one-hundred-eighty-day period, the MOA shall pay a TDM penalty fee to the City in an amount determined by resolution of the City Council. Said penalty fee may be used to provide new transit service and/or subsidize existing transit service, construct bicycle facilities, and/or improve street capacity through construction of physical

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improvements to be selected by the City of Davis from the list of area-wide improvements identified in the City's CIP.

Mace Triangle

3-72(b) Prior to issuance of a building permit for development within the Mace Triangle Site, each applicant shall develop a TDM program coordinated with, and compliant with, the requirements of the ARC TDM program and any pre-existing TDM programs on the Mace Triangle Site. The program shall be submitted to the City Department of Public Works for review and approval. This includes achievement of the same trip reduction requirements, GHG-reducing transportation strategies, and monitoring and reporting requirements as the ARC, as set forth in Mitigation Measure 3-72(a). This may be satisfied by joining the ARC TDM program as a participating member.

Implementation of Mitigation Measures 3-72(a) and (b) would reduce project-generated VMT per service population by instituting a TDM program to reduce external vehicle trips generated by the ARC Project, as well as future development of the Mace Triangle Site. However, the effectiveness of the TDM strategies is not known and subsequent vehicle trip reduction effects cannot be guaranteed. Existing evidence indicates that the effectiveness of TDM strategies with regards to vehicle trip reduction can vary based on a variety of factors, including the context of the surrounding built environment (e.g., urban versus suburban) and the aggregate effect of multiple TDM strategies deployed together. Moreover, many TDM strategies are not just site-specific, but also rely on implementation and/or adoption by private entities (e.g., elective use of carpool program by office building tenants). Furthermore, a portion of the TDM strategies may prove to be economically infeasible.

Examples of additional feasible measures that would reduce VMT and that were proposed in comments on the Draft SEIR were incorporated into Mitigation Measure 3-38(a). In addition, a recommendation was made to provide an electric shuttle service to transport passengers between the ARC Project site and Downtown Davis or a similar location that would encourage the use of alternative transportation. The applicant has included this commitment in the recently released Sustainability Guiding Principles for the project, which will be included in the project's Development Agreement between the City and the applicant (see Response to Comment 11-42).

No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Due to uncertainties regarding the ability for the mitigation measures to reduce VMT impacts to less-than-significant levels, VMT impacts would be considered significant and unavoidable. (Draft SEIR, pg. 3-254).

- 4. IMPACTS TO PEDESTRIAN AND BICYCLE FACILITIES (SEIR IMPACT 3-75).

Findings of Fact and Statement of Overriding Consideration

- (a) Potential Impact. The potential for the project to cause a substantial adverse impact to pedestrian and bicycle facilities is discussed on pages 3-260 through 3-268 of the Draft SEIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Certain measures are within the responsibility and jurisdiction of another public agency, and can and should be adopted by such other agency. (State CEQA Guidelines, Section 15091(a)(2)). In addition, specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
- (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to bicycle and pedestrian facilities cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, the ARC Project would provide a bike path within the 50-foot transition zone of the agricultural buffer, which would connect to the existing Class II bike lane on CR 32A, at the project's southeastern corner. It would also construct a grade-separated bicycle and pedestrian crossing off of Mace Boulevard north of Alhambra Drive, and a proposed off-street bike path along the west side of Mace Boulevard, just north of Alhambra Drive, to the existing path along the frontage of Harper Junior High School. Finally, the applicant is also considering to include a Class 1 shared-use path due west from the proposed grade-separated bicycle and pedestrian crossing, which would run along the southern boundary of the property inside the Mace Curve.

However, the increase in vehicle trips on CR 32A resulting from the ARC Project could adversely affect bicycle flow along CR 32A between CR 105 and the access to the causeway bicycle path. Due to increases in bicycle, pedestrian, and vehicle trips generated by the ARC Project within the vicinity of the ARC Site, transportation facilities that require mixing of vehicles, bicyclists, and pedestrians would experience increases in the competition for physical space between the modes and, in turn, an increase in the potential for conflicts involving bicyclists and pedestrians. Such conditions could diminish the safety and performance of bicycle and pedestrian facilities, particularly at locations where bicyclists and pedestrians experience long crossing distances, long exposure times, uncontrolled conflicts with high-speed vehicular traffic, or blockages due to queued vehicles. As discussed in the SEIR, the ARC Project's contributions to such conditions would be substantial at the Mace Boulevard/Alhambra Drive, Mace Boulevard/2nd Street/CR 32A, Mace Boulevard/I-80 WB Ramps, Mace Boulevard/I-80 EB Ramps, Mace Boulevard/Chiles Road, and CR 32A locations. As such, implementation of the ARC Project could result in a significant impact related to bicycle facilities.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

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ARC Project and Mace Triangle

3-75(a) *Prior to issuance of the first certificate of occupancy of the ARC Project, the applicant shall construct the following proposed off-site bicycle and pedestrian facilities to the satisfaction of the Public Works Department, as described in the ARC Project description and shown on the ARC Site plan:*

- 1) *Grade-separated bicycle and pedestrian crossing of Mace Boulevard north of Alhambra Drive*
- 2) *Class I shared-use path on the west side of Mace Boulevard between proposed grade-separated crossing and Harper Junior High School*
- 3) *Pedestrian and landscaping improvements on the access road between the Mace Park-and-Ride and CR 32A*

Responsibility for implementation of this mitigation measure shall be assigned to the ARC Project and Mace Triangle on a fair share basis.

3-75(b) *Prior to issuance of the first certificate of occupancy of the ARC Project, the applicant shall contribute fair share funding to cover their proportionate cost of the following improvements:*

- 1) *Widen CR 32A between CR 105 and the Causeway Bicycle Path Access to meet Yolo County standards for a two-lane arterial (14-foot travel lanes and 6-foot shoulder/on-street bike lanes).*
- 2) *Westbound bicycle crossing improvements at the existing at-grade railroad crossing at CR 32A and CR 105. Potential improvements include a marked bicycle crossing for westbound bicyclists with advanced warning devices for vehicle traffic. These improvements would facilitate westbound bicyclists continuing west onto the shared-use path located between the UPRR mainline and I-80 (e.g., to the west of CR 105). As noted earlier, Yolo County, together with Union Pacific and the City of Davis, are currently evaluating potential modifications to this at-grade crossing to reduce the potential for conflicts with rail operations. Therefore, the ultimate improvements constructed at this crossing should be consistent with the preferred modifications identified in this County-led study.*
- 3) *Eastbound bicycle crossing improvements for bicyclists turning left from CR 32A onto the causeway shared-use path. Potential improvements include the installation of a marked crossing on the east leg of the CR 32A/I-80 WB off-ramp intersection and construction of a two-way path on the north side of CR 32A between the CR 32A/I-80 WB off-ramp intersection and the entrance to the causeway path.*

Implementation of these improvements, or a set of improvements of equal effectiveness, would improve bicycle facilities on CR 32A by reducing the potential for bicycle-vehicle conflicts.

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3-75(c) *The project applicant shall identify and construct complete streets improvements on the Mace Boulevard corridor, including the following actions:*

- 1) *Prior to approval of the first tentative subdivision map for the ARC Project, the applicant shall fund and complete (in conjunction with City staff) a corridor plan for the Mace Boulevard corridor between Harper Junior High School and Cowell Boulevard. At a minimum, the corridor plan shall identify complete streets improvements that achieve the following goals:*
 - a. *Provide safe and comfortable access for pedestrian and bicyclists*
 - b. *Minimize the potential for bicycle-vehicle and pedestrian-vehicle conflicts*
 - c. *Provide fast and efficient transit operations*
 - d. *Minimize cut-through traffic on residential roadways*
 - e. *Avoid operating conditions that degrade roadway safety (e.g., off-ramp queue spillback to freeway mainline)*

The corridor plan shall be prepared to the satisfaction of the City of Davis Public Works Department and be approved by the City of Davis City Council. The corridor plan should include a thorough public engagement process to understand the transportation priorities of the surrounding community. This should include an initial hearing before the Planning Commission and the Bicycling, Transportation, and Street Safety Commission (BTSSC) to solicit initial input and a second hearing for review of the draft plan.

- 2) *In conjunction with submittal of a final planned development or tentative map, whichever occurs first, for each ARC Project phase, the MOA for the ARC Project shall submit a focused transportation impact study for the phase under review. This could be the same study as required under Mitigation Measure 3-70(a), but must also include the information set forth in this measure. The study shall document current conditions at the time and identify the anticipated transportation system effects associated with the development proposed for the phase under review and the necessary transportation system improvements to ameliorate these effects in accordance with the methods and significance thresholds used in this transportation impact analysis. Improvements should be consistent with the complete streets goals and improvements identified in the Mace Boulevard Corridor Plan to be funded and completed by the applicant as described above. The study shall also address the degree to which improvements would address any significant impacts caused by the ARC Project at buildout as identified in the Transportation Impact Analysis prepared for the ARC Project by Fehr & Peers (2020). Potential improvements include, but are not limited to, the following:*

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- a. *Improvements to on- and off-street bicycle facilities on Mace Boulevard and connecting roadways, including Covell Boulevard, Alhambra Drive, 2nd Street, CR 32A, and Chiles Road.*
- b. *Improvements to bicycle and pedestrian crossings at the following intersections:*
 - i. *Mace Boulevard/Alhambra Drive;*
 - ii. *Mace Boulevard/2nd Street/CR 32A;*
 - iii. *Mace Boulevard/I-80 WB Ramps;*
 - iv. *Mace Boulevard/I-80 EB Ramps; and*
 - v. *Mace Boulevard/Chiles Road.*

Crossing improvements shall reduce the potential for bicycle-vehicle and pedestrian-vehicle conflicts and provide for safe and comfortable access for pedestrians and bicyclists. Potential crossing improvements include, but are not limited to bike lane conflict markings, intersection crossing markings, reductions to crossing distances, and physically separating bicyclists from vehicles (e.g., conversion to a protected intersection). Additionally, crossing improvements shall include the modification of existing channelized right-turn lanes to either a) remove and replace the lanes with standard right-turn lanes, or b) retrofit the lanes to reduce vehicles speeds and increase yield compliance rates.

Improvements identified in the focused transportation impact study should achieve the following performance measures:

- a. *Reduce the number and/or severity of bicycle-vehicle and pedestrian-vehicle conflict points at intersections, at intersection approaches, and on roadway segments.*
- b. *Eliminate otherwise anticipated increases in transit travel times and/or adverse changes to transit on-time performance that would be caused by the ARC Project in accordance with standards established by Unitrans, Yolobus, and other potential future transit operators.*
- c. *Eliminate otherwise anticipated adverse effects to emergency vehicle response times that would be caused by the ARC Project in accordance with standards established by the City of Davis Fire and Police Departments.*
- d. *Eliminate otherwise anticipated increases in cut-through traffic on residential roadways that would be caused by the ARC Project.*
- e. *Eliminate otherwise anticipated vehicle queuing that would be caused by the ARC Project that would adversely affect roadway safety, including off-ramp queue spillbacks to the freeway mainline, queue spillbacks that block bicycle and/or pedestrian facilities, and queue spillbacks that exceed available turn pocket storage and block adjacent through travel lanes.*

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The focused transportation impact study should also identify the funding and implementing responsibilities for each improvement, including whether the improvement should be constructed by the applicant or if the applicant should contribute fair share funding to cover their proportionate cost for the improvements. The applicant shall construct the improvement and/or contribute fair share funding prior to the issuance of the first certificate of occupancy for each project phase under review.

Implementation of Mitigation Measures 3-75(a), (b), and (c) would reduce potentially significant impacts associated with bicycle facilities to a less-than-significant level by supporting bicycling to and from the ARC Site and reducing conflicts between bicycles and other travel modes. However, elements of each mitigation measure would occur within Caltrans, Yolo County, and/or UPRR rights-of-way and would be subject to final approval and actions by others. Moreover, because the remaining fair share contributions needed for the construction of those mitigation measure elements requiring the ARC Project's fair share contribution have not been identified by the relevant lead agency, fair share payment by the project applicant would not ensure construction. Finally, the ultimate improvements resulting from Mitigation Measure 3-75(c) are subject to change pending the outcome of the Mace Boulevard Corridor Plan. Therefore, the implementation and effectiveness of the mitigation measures cannot be guaranteed.

No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Due to uncertainties regarding the ability for the aforementioned mitigation measures to reduce impacts to bicycle and pedestrian facilities, bicycle and pedestrian facility impacts would remain significant and unavoidable. (Draft SEIR, pg. 3-264).

- 5. IMPACTS TO TRANSIT SERVICES (SEIR IMPACT 3-76).
 - (a) Potential Impact. The potential for the project to cause a substantial adverse impact to transit services is discussed on pages 3-268 through 3-271 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Certain measures are within the responsibility and jurisdiction of another public agency, and can and should be adopted by such other agency. (State CEQA Guidelines, Section 15091(a)(2)). In addition, specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)

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- (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to transit services cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, the ARC Project would introduce new residential, office, manufacturing, and retail land uses that are situated in close proximity to the current transit stops (at Mace Boulevard/2nd Street) for the A, O, P, Q, and Z bus routes operated by Unitrans. While the ARC Project is expected to increase ridership on Unitrans routes that serve the ARC Site, it would not cause a demand above the level of service which is provided or planned.

The ARC Project would cause substantial increases to vehicle travel demand and peak hour delay on roadways within the ARC Site vicinity. Affected roadways include Mace Boulevard, Alhambra Drive, and 2nd Street, all of which are utilized by Unitrans routes serving the project site. Since Unitrans service would experience increases to peak hour delays at a level commensurate with general vehicle traffic, the project would cause adverse effects to Unitrans travel times and on-time performance. Reductions to route-level and systemwide on-time performance caused by the project would require Unitrans to restructure service or increase operating costs in order to maintain acceptable on-time performance thresholds. The adverse impacts to transit operations, particularly along the Mace Boulevard corridor, is considered a significant impact.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-76(a) *Prior to the approval of improvement plans of the first ARC Project phase, the project applicant shall fund and construct new bus stops with turnouts on both sides of Mace Boulevard at the new primary project access point at Alhambra Drive. The project applicant shall prepare design plans, to be reviewed and approved by the City Public Works Department, and construct bus stops with shelters, paved pedestrian waiting areas, lighting, real time transit information signage, and pedestrian connections between the new bus stops and all buildings on the ARC Site. Responsibility for implementation of this mitigation measure shall be assigned to the ARC Project and Mace Triangle on a fair share basis. Upon completion of the ARC Project transit plaza, in consultation with Unitrans and Yolobus, the bus stops shall be moved to the ARC transit plaza at the expense of the ARC Project applicant.*

3-76(b) *Implement Mitigation Measure 3-75(c).*

Implementation of Mitigation Measures 3-76(a) and (b) would reduce potential significant impacts associated with transit service and facilities by supporting transit use to and from the project site and minimizing adverse effects to transit operations that would be caused by the ARC Project. However, elements of Mitigation Measure 3-75(c), as implemented by Mitigation Measure 3-76(b), would occur within Caltrans rights-of-way and would be subject to final

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approval and actions by others. In addition, the ultimate improvements resulting from Mitigation Measure 3-75(c) are subject to change pending the outcome of the Mace Boulevard Corridor Plan process described in Mitigation Measure 3-75(c). Therefore, the implementation of the mitigation measures and their effectiveness cannot be guaranteed. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, impacts to transit service and facilities, transit service and facility impacts would be considered significant and unavoidable. (Draft SEIR, pg. 3-271).

• F. CUMULATIVE IMPACTS

- 1. CUMULATIVE IMPACTS RELATED TO LONG-TERM CHANGES IN VISUAL CHARACTER OF THE REGION (SEIR IMPACT 3-85).
 - (a) Potential Impact. The potential for the project to cause substantial cumulative impacts related to long-term changes in visual character of the region is discussed on pages 3-285 through 3-286 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable. Feasible changes or alterations to the project which attempt to avoid or substantially lessen this significant environmental effect are not available as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to cumulative aesthetic changes to the region cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, impacts to changes in visual character resulting from development of the ARC Project and the undeveloped Mace Triangle properties would combine with related impacts resulting from development of the buildout of vacant lands within the City limits per their Davis General Plan land use designations, as well as other pending development. The combined effects of cumulative development would lead to a significant cumulative impact with respect to changes in visual character within the cumulative geographic setting. The ARC Project's and Mace Triangle's incremental contribution toward this significant cumulative impact would be approximately 204 acres, which would be cumulatively considerable.

Mitigation Measure(s).

None Available.

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Buildout of the ARC Project and the undeveloped portions of the Mace Triangle would combine with other development to represent a significant change in the visual character of the cumulative geographic context. Although compliance with the City's General Plan policies and the future Design Guidelines for the ARC Project would help to minimize impacts, feasible mitigation measures are not available to reduce this project's incremental contribution toward the cumulative change in the existing visual character or quality of the Davis area to a less-than-significant level. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft SEIR, pg. 3-286).

- 2. IMPACTS RELATED TO CUMULATIVE LOSS OF AGRICULTURAL LAND (SEIR IMPACT 3-87).
 - (a) Potential Impact. The potential for the project to cause a cumulative loss of agricultural land is discussed on pages 3-288 through 3-289 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to cumulative loss of agricultural land cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, annexation of the ARC Site and Mace Triangle and redesignation of the properties for urban development would result in the conversion of agricultural land, requiring mitigation per City of Davis Municipal Code requirements. Development of other cumulative projects, such as the West Davis Active Adult Community Project and the Nishi Student Apartments Project, the sites of which are primarily active agricultural sites, would result in related impacts associated with conversion of farmland. The combined effects of this cumulative development scenario would lead to a significant cumulative impact on agricultural resources within the cumulative geographic setting. Although the ARC Project, in combination with other cumulative development on sites in agricultural use, would be required to set aside agricultural mitigation acreage at a 2:1 ratio (2 acres of agricultural land for every acre impacted), thereby minimizing the effects of agricultural land conversion, the cumulative impact, as well as the ARC Project's incremental contribution, would be cumulatively considerable.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

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3-87 *Implement Mitigation Measures 3-5(a) and (b), and 3-7(b).*

While Mitigation Measure 3-87 would require the ARC Project to set aside two acres of agricultural land for every acre of agricultural land impacted, the result is nevertheless a net loss of agricultural land. Consistent with the Davis General Plan EIR and the Certified MRIC EIR, feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft SEIR, pg. 3-289).

- 3. A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT (SEIR IMPACT 3-88).
 - (a) Potential Impact. The potential for the project to cause a cumulatively considerable net increase of any criteria pollutant is discussed on pages 3-289 through 3-296 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to a cumulatively considerable increase in criteria pollutant emissions cannot be mitigated to a less-than-significant level. The Sacramento Valley Air Basin (SVAB) is a nonattainment area for ozone and PM. As discussed in the Draft SEIR, the ARC Project, alone and in combination with Mace Triangle, would generate criteria air pollutant emissions of ROG, NO_x, and PM₁₀ in excess of the applicable thresholds of significance. All feasible mitigation measures available to reduce the Project's emissions of criteria pollutants have been required, as described in Section C.1. Overall, buildout of the ARC Project and the Mace Triangle Site in conjunction with cumulative buildout would result in a substantial increase in regional emissions from what has been anticipated for the area. Because the project would result in emissions of criteria pollutants in excess of YSAQMD's thresholds of significance, and because emissions of criteria pollutants from the ARC Project are anticipated to result in an increased average incidence of health risks per year, the ARC Project is considered to result in a cumulatively considerable net increase in health risks due to criteria pollutants.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

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3-88 Implement Mitigation Measure 3-11.

Implementation of Mitigation Measure 3-88 would reduce operational emissions of criteria pollutants. Additional feasible mitigation measures to further reduce the ARC Project's operational emissions of ROG, NO_x, and PM₁₀ to below the applicable threshold of significance are not currently available and no threshold exists for health effects of criteria pollutants. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the above impact would remain cumulatively considerable and significant and unavoidable. (Draft SEIR, pg. 3-296).

- 4. CUMULATIVE IMPACTS RELATED TO GHG EMISSIONS AND GLOBAL CLIMATE CHANGE (SEIR IMPACT 3-93).
 - (a) Potential Impact. The potential for the project to cause a cumulative impact related to GHG emissions and global climate change is discussed on pages 3-303 through 3-304 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to cumulative GHG emissions cannot be mitigated to a less-than-significant level. Based on the cumulative nature of global climate change, emissions from a project must be considered in the context of that project's contribution to cumulative global GHG emissions. As discussed in the Draft SEIR, the ARC Project would result in a substantial increase in GHG emissions as compared to existing levels associated with the site, and the project's GHG emissions would not meet the reduction targets of the Davis CAAP, as accelerated by recent City of Davis resolutions.

Implementation of Mitigation Measures 3-11, 3-38(a), and 3-72(a) and (b) of this SEIR would reduce the ARC Project's operational GHG emissions, but the level to which such reductions would occur cannot be determined at this time. Similarly, Mitigation Measure 3-38(b) would reduce emissions from potential future buildout of the Mace Triangle Site; however, due to the speculative nature of future development at the Mace Triangle Site, the ultimate levels at which future emissions reductions could occur is speculative.

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The build out of the ARC Project will occur over many years, and future regulations that may be in place in the year 2040 could substantially reduce project-related GHG emissions at that time. For instance, should future regulations prohibit the installation of natural gas infrastructure or require an increase in the amount of electric vehicle charging infrastructure within the ARC Site, emissions resulting from project operations could be reduced below the levels presented herein. Due to such regulatory uncertainties, as well as uncertainties related to the actual buildout of the ARC Project as well as the Mace Triangle Site, and potential GHG emissions reductions due to sustainability features of each development, the full GHG reductions that would be realized on-site are speculative at this time. The future availability of carbon off-set credits that provide ongoing carbon off-sets (as opposed to one-time off-sets) also cannot be determined at this time. Consequently, carbon off-sets sufficient to meet the requirements of the mitigation included in this SEIR may not be available in sufficient levels or at a reasonable financial cost to meet the demand of future phases of the ARC Project or the Mace Triangle. For this reason, and because the ARC Project's GHG emissions cannot be shown to be reduced to net zero by 2040 with certainty at this time, the ARC Project's GHG emissions would be cumulatively considerable.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-93(a) *Implement Mitigation Measure 3-11, 3-38(a), and 3-72(a) and (b).*

Mace Triangle

3-93(b) *Implement Mitigation Measure 3-38(b).*

Implementation of Mitigation Measures 3-93(a) and 3-93(b) would reduce the GHG emissions associated with the ARC Project, but not to a less-than-significant level. No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft SEIR, pg. 3-304).

- 5. CUMULATIVE IMPACTS TO FIRE PROTECTION SERVICES FROM THE PROPOSED PROJECT IN COMBINATION WITH FUTURE DEVELOPMENTS IN THE CITY OF DAVIS (SEIR IMPACT 3-102).
 - (a) Potential Impact. The potential for the project to cause cumulative impacts to fire protection services is discussed on pages 3-316 through 3-318 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA

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Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)

- (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds cumulative impacts related to fire protection facilities cannot be mitigated to a less-than-significant level. The closest fire station to the ARC Site is Station 33, located at 425 Mace Boulevard, approximately 0.50-mile south of the ARC Site. Station 33 currently provides fire protection and emergency medical services to the site and its vicinity, as well as back-up response to Station 31 in the downtown core. The ARC Project would introduce 850 residential units to a site which currently does not contain housing. As discussed in the Draft SEIR, the ARC Project could exacerbate the existing response time deficiency experienced in certain areas of the City of Davis, if Station 33 is already responding to an incident on the ARC Site and is not able to provide back-up to already impacted areas. The ARC Project's incremental impact, then, should be considered a secondary, or indirect cumulative impact, to fire protection services. In conclusion, the ARC Project, in combination with past, present, and probable future projects, will result in a significant cumulative impact to fire protection services; and the project's incremental contribution would be cumulatively considerable.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-102 Prior to issuance of building permits for each phase of development, the project applicant shall contribute the project's fair share funding towards one of the following mitigation options, as determined by the City of Davis Department of Community Development and Sustainability and Davis Fire Department:

- 1. Construct a fourth fire station within the City of Davis.*
- 2. Modify existing Davis fire facilities, which may include renovation of existing fire stations.*

Once the mitigation option is selected, the identified improvement project(s) shall be included in the City's Capital Improvement Program and the City's Fire Impact Fee updated accordingly. In addition, each improvement project shall be subject to its own environmental review process, unless the improvement can be determined by the City to be exempt from CEQA.

The above impact could be reduced to a less-than-significant level if one of the above two mitigation options within Mitigation Measure 3-102 is implemented. However, successful implementation of each mitigation option cannot be assured, as the full amount of funding for the improvement(s) has not been secured, nor programmed into an identified improvement program. As a result, the project's incremental contribution to this significant

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impact, similar to the MRIC Project, would remain cumulatively considerable and significant and unavoidable. (Draft SEIR, pg. 3-318).

No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX.

- 6. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE OR POLICY ADDRESSING THE CIRCULATION SYSTEM UNDER CUMULATIVE PLUS PROJECT CONDITIONS (SEIR IMPACTS 3-104).
 - (a) Potential Impact. The potential for the project to conflict with a program, plan, ordinance or policy addressing the circulation system under Cumulative Plus Project conditions is discussed on pages 3-318 through 3-329 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Certain measures are within the responsibility and jurisdiction of another public agency, and can and should be adopted by such other agency. (State CEQA Guidelines, Section 15091(a)(2)). In addition, specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to a conflict with a program, plan, ordinance or policy addressing the circulation system under Cumulative Plus Project conditions cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, many of the study intersections would operate at LOS F under cumulative conditions, even without the project. The addition of the ARC Project would cause LOS F conditions, or would worsen already projected LOS F conditions, by five seconds or more at 11 study intersections. The project would create or exacerbate vehicle queue spillbacks on I-80 offramps, would exacerbate unacceptable intersection operations at the I-80/County Road 32A interchange under Existing Plus Project conditions, and would generate new peak period vehicle trips that would contribute to cumulative LOS F conditions at these interchange ramp terminal intersections. Finally, the ARC Project would generate new peak period vehicle trips that would contribute to cumulative LOS F conditions on portions of I-80 in Yolo and Solano Counties. Based on the above, the ARC Project's incremental contribution to cumulative circulation system impacts under Cumulative Plus Project Conditions would be cumulatively considerable.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

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3-104(a) Implement Mitigation Measure 3-70(a).

3-104(b) Implement Mitigation Measure 3-70(b).

3-104(c) Implement Mitigation Measure 3-70(c).

The potential operational enhancements listed in Mitigation Measure 3-70(a), implemented through Mitigation Measure 3-104(a) would serve to improve operations at the impacted facilities under Cumulative Plus Project conditions. However, it is important to note that Mitigation Measure 3-70(a) requires the applicant to work in good faith with Caltrans, Yolo County, and the City to identify feasible physical improvements to the roadway network for purposes of improving operational performance. In addition, the implementation of TDM strategies would reduce vehicle travel to and from the ARC Site on I-80 and lessen the project's contribution to unacceptable LOS F conditions on I-80. However, as discussed above in Section E.3, the level of delay reduction associated with TDM strategies is uncertain.

No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX. Therefore, the project's incremental contribution to cumulative circulation system impacts would remain cumulatively considerable and significant and unavoidable. (Draft SEIR, pg. 3-329).

- 7. IMPACTS RELATED TO A CUMULATIVE INCREASE IN VEHICLE MILES TRAVELED (SEIR IMPACT 3-105).
 - (a) Potential Impact. The potential for the project to cause a cumulative increase in VMT is discussed on pages 3-329 through 3-330 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Certain measures are within the responsibility and jurisdiction of another public agency, and can and should be adopted by such other agency. (State CEQA Guidelines, Section 15091(a)(2)). In addition, specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)
 - (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds impacts related to VMT under Cumulative Plus Project conditions cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR and in Section E.3 above, the ARC Project would cause a significant impact to VMT under Existing Plus Project Conditions, as project-generated VMT per service population measured above the applicable

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significance thresholds relative to existing local and regional VMT per service population averages. The VMT impact analysis for Existing Plus Project conditions applies to Cumulative Plus Project conditions as well. Therefore, the ARC Project's cumulative VMT impact would be considered significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-105(a) Implement Mitigation Measure 3-72(a).

Mace Triangle

3-105(b) Implement Mitigation Measure 3-72(b).

Implementation of Mitigation Measures 3-72(a) and (b), as implemented by Mitigation Measures 3-105(a) and (b), would reduce project-generated VMT per service population by instituting a TDM program to reduce external vehicle trips generated by the ARC Project. However, the effectiveness of the TDM strategies is not known and subsequent vehicle trip reduction effects cannot be guaranteed. Existing evidence indicates that the effectiveness of TDM strategies with regards to vehicle trip reduction can vary based on a variety of factors, including the context of the surrounding built environment (e.g., urban versus suburban) and the aggregate effect of multiple TDM strategies deployed together. Moreover, many TDM strategies are not just site specific, but also rely on implementation and/or adoption by private entities (e.g., elective use of carpool program by office building tenants). Due to uncertainties regarding the ability for the aforementioned mitigation measure to reduce cumulative VMT impacts to less-than-significant levels, cumulative VMT impacts would remain significant and unavoidable. (Draft SEIR, pg. 3-330).

No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX.

- 8. CUMULATIVE IMPACTS TO PEDESTRIAN, BICYCLE, AND TRANSIT FACILITIES (SEIR IMPACT 3-106).
 - (a) Potential Impact. The potential for the project to cause impacts to pedestrian, bicycle, and transit facilities under Cumulative Plus Project conditions is discussed on pages 3-330 through 3-332 of the Draft SEIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the project which attempt to avoid or substantially lessen this significant environmental effect as identified in the SEIR. (State CEQA

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Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the SEIR, make infeasible additional mitigation measures or project alternatives identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(3).)

- (c) Explanation. Based upon the SEIR and the entire record before this City Council, this City Council finds cumulative impacts related to pedestrian, bicycle, and transit facilities cannot be mitigated to a less-than-significant level. As discussed in the Draft SEIR, under cumulative conditions, only modest increases in background bicycle and pedestrian activity would occur within the vicinity of the ARC Site, while more substantial increases in background vehicle traffic would occur due to growth elsewhere in and around Davis. However, growth in background vehicle traffic would not materially change the adverse effects to bicycle and pedestrian that would be attributable to the ARC Project. Therefore, the ARC Project-specific bicycle and pedestrian impact analysis and mitigation measures provided in Impact 3-75, discussed above in Section E.4, would similarly apply to cumulative plus project conditions.

Under cumulative conditions, the substantial increases in background vehicle traffic due to growth elsewhere in and around Davis, together with the substantial increase in vehicle traffic caused by the ARC Project, would cause adverse effects to transit operations by increasing transit service delay and running times. While the major factor contributing to significant degradation of the pedestrian, bicycle, and transit systems in the cumulative condition will be increase in background traffic, the ARC Project's incremental contribution to significant pedestrian, bicycle, and transit impacts is conservatively considered to be cumulatively considerable.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

3-106 Implement Mitigation Measures 3-75(a) thru (c) and 3-76(a) and (b).

Implementation of Mitigation Measures 3-75(a), (b), and (c), as implemented through Mitigation Measure 3-106, would reduce potentially significant impacts associated with pedestrian, bicycle, and facilities to a less-than-significant level by supporting walking, bicycling, and transit to and from the ARC Site and reducing conflicts with other travel modes. Implementation of Mitigation 3-76 would reduce the significant impact related to transit to a less-than-significant level by requiring the project applicant to fund and construct new bus stops with turnouts on both sides of Mace Boulevard at Alhambra Drive, until such time that the ARC transit plaza is completed.

However, elements of each mitigation measure would occur within Caltrans, Yolo County, and/or UPRR rights-of-way and would be subject to final approval and actions by others. Therefore, the implementation and effectiveness of the mitigation measures cannot be guaranteed, and impacts to bicycle and pedestrian facilities would remain significant and unavoidable. (Draft SEIR, pg. 3-331).

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No other feasible mitigation measures to further reduce the impact have been identified. Alternatives that would reduce this impact were examined in the EIR; however, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section IX.

• IV. FINDINGS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

A. AESTHETICS AND VISUAL RESOURCES

- 1. CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE THAT WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA (SEIR IMPACT 3-3).
 - (a) Potential Impact. The potential for the project to create new sources of substantial light or glare is discussed on pages 3-38 through 3-39 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-39). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. The ARC Project would introduce new sources of light and glare where none currently exist due to lighting and windows associated with the inclusion of residential units and offices. Mitigation Measure 3-3 would require the preparation and approval of a lighting plan, which would be designed to limit the light emanating from the windows of proposed residences and offices onto off-site properties, and would comply with the Davis Municipal Code. Any remaining impacts related to light or glare after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

- 3-3 *In conjunction with submittal of improvement plans for the Mace Triangle and each phase of development for the ARC Site, the applicant shall submit a lighting plan to the Department of Community Development and Sustainability for review and approval. The lighting plan shall be designed to limit light trespass and glare onto off-site properties to a reasonable level through the use of shielding, directional lighting methods (including, but not limited to, fixture location and height), and application of a low-emissivity coating on exterior glass surfaces of proposed structures. If low-emissivity coating is used, the low-emissivity coating*

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shall reduce the reflection of visible light that strikes the exterior glass and prevent interior light from being emitted brightly through the glass. The Plan shall comply with Chapter 6 of the Davis Municipal Code - Article 8: Outdoor Lighting Control.

- 2. CONFLICT, OR CREATE INCONSISTENCY, WITH ANY APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING ENVIRONMENTAL EFFECTS RELATED TO AESTHETICS AND VISUAL RESOURCES (SEIR IMPACT 3-4).
 - (a) Potential Impact. The potential for the project to conflict with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects related to aesthetic resources is discussed on pages 3-39 through 3-40 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-40). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Impacts related to conflicts with plans, policies, or regulations related to aesthetics and visual resources were evaluated in the Certified MRIC EIR and determined to be less than significant with mitigation. Similarly, for the ARC Project, the implementation of Mitigation Measure 3-4 would ensure that the future design guidelines encourage incorporation of various design measures, consistent with General Plan policy direction (e.g., street trees and high-quality design materials per Policies UD 2.2 and 2.6). Any remaining impacts related to the aforementioned impact after the implementation of the mitigation measure would not be significant.

Additional City of Davis housing policies and regulations are applicable to the residential component to the ARC Project. These additional housing policies and regulations are evaluated in the appropriate sections of this SEIR, namely, the Land Use and Urban Decay section (Impact 3-55), and the Population and Housing section (Impact 3-63).

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-4 *At or prior to final planned development, or tentative map submittal, whichever occurs first, the applicant shall submit landscape and architectural details to the Department of Community Development and Sustainability showing the following:*

Landscaping

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- *Research/office/R&D and manufacturing areas shall have access connections at regular intervals along the perimeter of the project area to adjacent bike and pedestrian pathways and easily-accessible, landscaped pedestrian and bicycle access between various areas.*
- *Arterial and collector streets shall have planted medians, but with widths sized to accommodate tree and shrub plantings. Medians on collector streets shall be limited to locations where the median contributes to a specific purpose or solves a specific problem, such as enhancing an entry, calming traffic, or providing a needed pedestrian refuge at intersections. Removal of street trees to accommodate an increase in vehicular traffic shall occur only as a last resort, after review by appropriate boards and commissions.*
- *Trees that are planted in the future shall have wide canopies, sufficient to eventually provide, at maturity, at least 50 percent shade coverage of the pavement area of local streets and 30 percent shade coverage of the pavement area of collector and arterial streets.*

Architecture

- *A scale transition between intensified land uses and adjoining lower intensity land uses shall be provided, as applicable.*
- *Taller buildings shall be stepped back at upper levels in areas with a relatively smaller-scale character.*
- *Buildings shall be varied in size, density and design.*
- *Stored materials, goods, parts or equipment shall be screened from adjacent public streets or highways.*
- *Loading facilities shall be designed as an integral part of the building(s) which they serve and shall be located in an inconspicuous manner.*
- *Roof mounted equipment shall be screened from view of any ground level area accessible to the general public.*
- *Trash enclosures, noise generating equipment, and other nuisances shall be adequately screened or located away from any adjacent residential use.*

• B. AGRICULTURAL AND FOREST RESOURCES

- 1. INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE OR CONVERSION OF FOREST LAND TO NON-FOREST USE (SEIR IMPACT 3-8).
 - (a) Potential Impact. The potential for the project to involve the conversion of farmland to non-agricultural use is discussed on pages 3-46 through 3-49 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-49). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA

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Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Impacts related to other changes in the existing environment which could result in conversion of Farmland were determined to be significant and unavoidable for the MRIC Project. The ARC Project would incorporate agricultural buffers along the perimeter of the site, which will include a pedestrian/bike path to be located approximately 120 feet from the nearest possible distance at which any ground rig spraying of pesticides might occur. The majority of ARC Project residences would be setback from agricultural operations at distance greater than 300 feet although one residential area would be within 300 feet from agricultural operations to the east. However, the implementation of Mitigation Measure 3-8(a) would ensure that potential for pesticide drift is reduced through the implementation of barrier plantings and utilization of a windscreen. In addition, Mitigation Measure 3-8(b) would require the utilization of a windscreen along the bicycle/pedestrian trail, similar to Mitigation Measure 3-8(a), or an agreement with the neighboring property owner pursuant to which the agricultural operator provides notice of which pesticide application will occur within 300 feet of the trail. Any remaining impacts related to the conversion of Farmland to non-agricultural use after the implementation of the mitigation measures would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-8(a) Prior to the construction of residential uses within 300 feet of neighboring orchards, the ARC Project applicant shall mitigate for potential pesticide drift through the implementation of barrier plantings. The applicant shall utilize the Natural Resources Conservation Services⁵ best practices for establishing an appropriate windscreen between residential structures and adjacent agricultural operations to the satisfaction of the Yolo County Agricultural Commissioner. Written confirmation of compliance shall be provided to the Community Development and Sustainability Director prior to issuance of residential building permit within 300 feet of neighboring agriculture.

3-8(b) Prior to the public use of the recreational bicycle and pedestrian trails located within the agricultural transition area, the ARC Project applicant shall mitigate for potential pesticide drift. Mitigation shall be achieved pursuant to utilization of a

⁵ See Natural Resources Conservation Service, *Windbreak/Shelterbelt Establishment, Conservation Practice Job Sheet 380*. April 2013. As noted, when used as a living screen, windbreaks control views, reduce noise, and intercept airborne particulate matter, chemicals and odors.

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windscreen in a manner consistent with MM 3-8(a). Alternatively, applicant shall enter into an agreement with the neighboring property owner pursuant to which the agricultural operator provides notice to the ARC Project applicant or the MOA of the days on which pesticide application will occur and the applicant shall close the recreational trails during the period in which pesticides are applied within 300 feet of the trail. Notice of closure shall be provided by the MOA to disseminate to employees and residences, and closure notice shall be posted at all points of access onto the impacted portion of trail during the period of pesticide application.

Mace Triangle

None required.

• C. AIR QUALITY

- 1. VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION DURING CONSTRUCTION (SEIR IMPACT 3-10).
 - (a) Potential Impact. The potential for the project to violate any air quality standards during construction is discussed on pages 3-53 through 3-57 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-57). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Like the MRIC Project, development of the ARC Project would occur over four phases. Using conservative assumptions, unmitigated construction-related emissions would not exceed the YSAQMD's thresholds of significance for ROG or PM₁₀. For NO_x, the implementation of Mitigation Measure 3-10 would reduce the construction-related emissions from an unmitigated annual maximum of 12.19 tons/year to a mitigated maximum of 9.75 tons/year, which would be below the YSAQMD's applicable threshold. Consequently, with implementation of the Mitigation Measure 3-10, construction-related emissions would be below the YSAMQD's applicable threshold of significance. Any remaining impacts related to violating any air quality standard or contributing substantially to an existing or projected air quality violation during construction after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

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ARC Project and Mace Triangle

3-10 *Prior to approval of any grading or demolition plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet average 20 percent NO_x reduction compared to the year 2023 California Air Resources Board (CARB) fleet average. A fleet average reduction of less than 20 percent may only be acceptable when the project applicant has demonstrated, to the satisfaction of the City's Department of Community Development and Sustainability, that the achieved reductions would be sufficient to ensure that project-related emissions would remain below YSAQMD's thresholds.*

In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB. Clear Signage regarding idling restrictions should be placed at the entrances to the construction site.

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

● D. BIOLOGICAL RESOURCES

- 1. IMPACTS RELATED TO SPECIAL-STATUS PLANT SPECIES (SEIR IMPACT 3-15).
 - (a) Potential Impact. The potential for the project to result in impacts related to special-status plant species is discussed on pages 3-80 through 3-85 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-84). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts to special-status plant species would be mitigated to a less than significant level upon implementation of Mitigation Measure 3-15. Although special-status plants were not identified within the Study Area during protocol floristic botanical surveys in 2015 and 2019, the USFWS only considers plant surveys

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to be valid for three years. Should project construction not occur within three years from the date of the survey, construction activity could impact special-status plant species that may have colonized the project site. Mitigation Measure 3-15 requires the applicant to retain a qualified botanist to conduct a botanical survey during spring (April to May) and fall (July to September), during the evident and identifiable periods for special-status plants with potential to occur on the site. Any special-status plants that are within the limits of grading for on- or off-site improvements shall be propagated to suitable habitat in designated open space areas, or for the Mace Triangle, another pre-approved location. As such, impacts related to the disturbance of special-status plant species would be reduced to a less-than-significant level with implementation of mitigation.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-15 *To ensure avoidance and minimization of potential impacts to special-status plant species, the following measures shall be implemented:*

- *Prior to initiation of any ground disturbance activities occurring after August 7, 2022, for the Mace Triangle and for each phase of the ARC Project, the applicant shall retain a qualified botanist to conduct a botanical survey during spring (April to May) and fall (July to September), during the evident and identifiable periods for special-status plants with potential to occur on the site. The botanical survey must also cover all potential utility line alignments and any other off-site work required for any phase of development. The survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review. If special-status plants are not identified within the areas proposed for disturbance, further mitigation is not required for that phase.*
 - *Any special-status plants that are within the limits of grading for on- or off-site improvements shall be propagated to suitable habitat in designated open space areas, or for the Mace Triangle, another pre-approved location. The propagation shall be overseen by a qualified botanist, approved by the City of Davis Department of Community Development and Sustainability and CDFW. The botanist shall identify the location to receive the plants, identify the methods of propagation, and oversee the work.*
- - 2. IMPACTS TO VALLEY ELDERBERRY LONGHORN BEETLE (SEIR IMPACT 3-16).
 - (a) Potential Impact. The potential for the project to result in impacts to the valley elderberry longhorn beetle is discussed on pages 3-85 through 3-89 of the Draft SEIR.

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- (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-87). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts to valley elderberry longhorn beetle (VELB) would be mitigated to a less than significant level upon implementation of Mitigation Measure 3-16. VELB habitat is not located within the Stormwater biological study area (BSA), but five elderberry shrub localities occur within the ARC BSA. There is a potential for at least one location (EB Shrub #2) to be impacted by the ARC Project's off-site sewer line improvements, depending upon the method of pipe installation and whether or not the Northerly Sewer Line option is selected. The locations of the elderberry shrubs within the ARC BSA are such that the ARC Project would have an impact to VELB. Implementation of Mitigation Measure 3-16 would mitigate potential impacts to less than significance by requiring the applicant to obtain coverage under the Yolo HCP/NCCP for on-site, and potentially off-site, infrastructure work, which shall include the payment of any applicable Yolo HCP/NCCP fees and implementation of Yolo HCP/NCCP Avoidance and Minimization Measure AMM-12 (Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle) to the satisfaction of the City and the Yolo Habitat Conservancy. .

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

3-16 *To ensure avoidance and minimization of impacts to VELB, the project applicant for the ARC Site shall obtain coverage under the Yolo HCP/NCCP for on-site, and as may be determined necessary by Yolo Habitat Conservancy, for off-site infrastructure work, for each phase of development. In addition to payment of any applicable HCP/NCCP fees, the applicant shall implement Yolo HCP/NCCP Avoidance and Minimization Measure AMM-12 (Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle) to the satisfaction of the City and the YHC. AMM-12 provides:*

- *The project proponent will retain a qualified biologist who is familiar with valley elderberry longhorn beetle and evidence of its presence (i.e., exit holes in elderberry shrubs) to map all elderberry shrubs in and within 100 feet of the project footprint with stems that are greater than one inch in diameter at ground level. To avoid take of valley elderberry longhorn beetle fully, the project proponent will maintain a buffer of at least 100 feet from any elderberry shrubs with stems greater than one inch in diameter at ground level. A lesser buffer may be applied in some*

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circumstances, as described in AMM-1 (Establish Buffers) of the Yolo HCP/NCCP.

- *For elderberry shrubs that cannot be avoided with a designated buffer distance as described above, the qualified biologist will quantify the number of stems one inch or greater in diameter to be affected, and the presence or absence of exit holes. The Conservancy will use this information to determine the number of plants or cuttings to plant on a riparian restoration site to help offset the loss, consistent with Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle. Additionally, prior to construction, the project proponent will transplant elderberry shrubs identified within the project footprint that cannot be avoided.*
- *Transplantation will only occur if a shrub cannot be avoided and, if indirectly affected, the indirect effects would otherwise result in the death of stems or the entire shrub. If the project proponent chooses, in coordination with a qualified biologist, not to transplant the shrub because the activity would not likely result in death of stems of the shrub, then the qualified biologist will monitor the shrub annually for a five-year monitoring period. The monitoring period may be reduced with concurrence from the wildlife agencies if the latest research and best available information at the time indicates that a shorter monitoring period is warranted. If death of stems at least one inch in diameter occurs within the monitoring period, and the qualified biologist determines that the shrub is sufficiently healthy to transplant, the project proponent will transplant the shrub as described in the following paragraph, in coordination with the qualified biologist. If the shrub dies during the monitoring period, or the qualified biologist determines that the shrub is no longer healthy enough to survive transplanting, then the Conservancy will offset the shrub loss consistent with the preceding paragraph.*
- *The project proponent will transplant the shrubs into a location in the HCP/NCCP reserve system that has been approved by the Conservancy. Elderberry shrubs outside the project footprint but within the 100-foot buffer will not be transplanted.*
- *Transplanting will follow the following measures:*
 1. *Monitor: A qualified biologist will be on-site for the duration of the transplanting of the elderberry shrubs to ensure the effects on elderberry shrubs are minimized.*
 2. *Timing: The project proponent will transplant elderberry plants when the plants are dormant, approximately November through the first two weeks of February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success.*
 3. *Transplantation procedure:*

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- a. *Cut the plant back three to six feet from the ground or to 50 percent of its height (whichever is taller) by removing branches and stems above this height. Replant the trunk and stems measuring one inch or greater in diameter. Remove leaves that remain on the plants.*
- b. *Relocate plant to approved location in the reserve system, and replant as described in Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle.*

Mace Triangle

None required.

- 3. IMPACTS TO GIANT GARTER SNAKE (SEIR IMPACT 3-17).
 - (a) Potential Impact. The potential for the project to result in impacts to giant garter snake is discussed on pages 3-89 through 3-94 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-91). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Impacts to giant garter snake (GSS) would be mitigated to a less than significant level upon implementation of Mitigation Measure 3-17. GSS was not observed during any of the biological surveys of the ARC BSA or Stormwater BSA. Suitable habitat for GGS within the Mace Drainage Channel (MDC) is currently lacking; however, according to the City's Wildlife Resource Specialist, suitable habitat has been present in the past. The possibility exists that more favorable habitat conditions may return during sustained average rainfall years, or with a change in crop type and associated irrigation runoff on adjacent fields, which may occur over the long-term buildout of the proposed ARC Project. In addition, a significant GGS source population exists within the Yolo Bypass and Willow Slough Bypass, which increases the possibility of the snake being present, whether resident or vagrant, in the MDC. With respect to the potential off-site volume storage pond improvement area, north of the Railroad Channel and west of the Yolo Bypass, some areas within these survey boundaries are within 200 feet of potential GGS aquatic habitat, and are thus within the snake's upland dispersal range, although these areas consist of farm roads and tilled agricultural fields that are unlikely to be occupied by GGS during the GGS active season. During the winter inactive season, GGS could seek refuge in burrows and cracks in the upland habitat. If an off-site volume storage pond is constructed within the southern portion of the BSA, near the Railroad Channel, the possibility exists for GGS to be adversely impacted should GGS occur in this upland habitat.

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Implementation of Mitigation Measure 3-17 would mitigate potential impacts to GGS to less than significance, by requiring the applicant to obtain coverage under the Yolo HCP/NCCP for on-site, and potentially off-site, infrastructure work, which shall include the payment of any applicable Yolo HCP/NCCP fees and implementation of Yolo HCP/NCCP Avoidance and Minimization Measure AMM-15 (Minimize Take and Adverse Effects on Habitat of Giant Garter Snake) to the satisfaction of the City and the Yolo Habitat Conservancy. .

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

3-17 To ensure avoidance and minimization of impacts to GGS, the project applicant for the ARC Project shall obtain coverage under the Yolo HCP/NCCP for on-site, and as may be determined necessary by Yolo Habitat Conservancy, for off-site infrastructure work, for each phase of development. In addition to payment of any applicable HCP/NCCP fees, the applicant shall implement Yolo HCP/NCCP Avoidance and Minimization Measure AMM-15 (Minimize Take and Adverse Effects on Habitat of Giant Garter Snake) to the satisfaction of the City and the YHC. AMM-15 provides:

The project proponent will avoid effects on areas where planning-level surveys indicate the presence of suitable habitat for giant garter snake. To avoid effects on giant garter snake aquatic habitat, the project proponent will conduct no in-water/in-channel activity and maintain a permanent 200-foot non-disturbance buffer from the outer edge of potentially occupied aquatic habitat (see Figure 3-12).

If the project proponent cannot avoid effects of construction activities, the project proponent will implement the measures below to minimize effects of construction projects (measures for maintenance activities are described after the following bulleted list).

- Conduct preconstruction clearance surveys using USFWS-approved methods within 24 hours prior to construction activities within identified giant garter snake aquatic and adjacent upland habitat. If construction activities stop for a period of two weeks or more, conduct another preconstruction clearance survey within 24 hours prior to resuming construction activity.*
- Restrict all construction activity involving disturbance of giant garter snake habitat to the snake's active season, May 1 through October 1. During this period, the potential for direct mortality is reduced because snakes are expected to move and avoid danger.*

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- *In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling of the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes.*
- *Provide environmental awareness training for construction personnel, as approved by the Conservancy. Training may consist of showing a video prepared by a qualified biologist, or an in-person presentation by a qualified biologist. In addition to the video or in-person presentation, training may be supplemented with the distribution of approved brochures and other materials that describe resources protected under the Yolo HCP/NCCP and methods for avoiding effects.*
- *A qualified biologist will prepare a giant garter snake relocation plan which must be approved by the Conservancy prior to work in giant garter snake habitat. The qualified biologist will base the relocation plan on criteria provided by CDFW or USFWS, through the Conservancy.*
- *If a live giant garter snake is encountered during construction activities, immediately notify the project's biological monitor and USFWS and CDFW. The monitor will stop construction in the vicinity of the snake, monitor the snake, and allow the snake to leave on its own. The monitor will remain in the area for the remainder of the work day to ensure the snake is not harmed or, if it leaves the site, does not return. If the giant garter snake does not leave on its own, the qualified biologist will relocate the snake consistent with the relocation plan described above.*
- *Employ the following management practices to minimize disturbances to habitat:*
 - *Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.*
 - *Maintain water quality and limit construction runoff into wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes or other wildlife will be permitted.*

Ongoing maintenance covered activities by local water and flood control agencies typically involve removal of vegetation, debris, and sediment from water conveyance canals as well as resloping, rocking, and stabilizing the canals that

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serve agricultural water users. Maintenance of these conveyance facilities can typically occur only from mid-January through April when conveyance canals and ditches are not in service by the agency, although some drainages are used for storm conveyance during the winter and are wet all year. This timing is during the giant garter snake's inactive period. This is when snakes may be using underground burrows and are most vulnerable to take because they are unable to move out of harm's way. Maintenance activities, therefore, will be limited to the giant garter snake's active season (May 1 to October 1) when possible. All personnel involved in maintenance activities within giant garter snake habitat will first participate in environmental awareness training for giant garter snake, as described above for construction related activities. To minimize the take of giant garter snake, the local water or flood control agency will limit maintenance of conveyance structures located within modeled giant garter snake habitat (Appendix A, Covered Species Accounts) to clearing one side along at least 80 percent of the linear distance of canals and ditches during each maintenance year (e.g., the left bank of a canal is maintained in the first year and the right bank in the second year). To avoid collapses when re-sloping canal and ditch banks composed of heavy clay soils, clearing will be limited to one side of the channel during each maintenance year.

For channel maintenance activities conducted within modeled habitat for giant garter snake, the project proponent will place removed material in existing dredged sites along channels where prior maintenance dredge disposal has occurred. For portions of channels that do not have previously used spoil disposal sites and where surveys have been conducted to confirm that giant garter snakes are not present, removed materials may be placed along channels in areas that are not occupied by giant garter snake and where materials will not re-enter the canal because of stormwater runoff.

Modifications to this AMM may be made with the approval of the Conservancy, USFWS, and CDFW. This includes any modifications needed to ensure compliance with the City's existing agreement with CDFW regarding maintenance of the Mace Drainage Channel.

Mace Triangle

None required.

- 4. IMPACTS TO BURROWING OWL (SEIR IMPACT 3-18).
 - (a) Potential Impact. The potential for the project to result in impacts to burrowing owl is discussed on pages 3-95 through 3-104 of the Draft SEIR.

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- (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-100). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Impacts to burrowing owl would be mitigated to a less than significant level upon implementation of Mitigation Measure 3-18. The ARC Project would consist of a reduced development footprint, as compared to the MRIC Project, due to the exclusion of the City's 25-acre property. The amount of burrowing owl habitat impacted would therefore be less than for the MRIC Project. However, suitable burrowing owl habitat does exist within the ARC BSA and Stormwater BSA, within the Urban Ruderal land cover type on the Mace Triangle Site, and along the potential Class 1 trail along the inside of the Mace Curve Property. Furthermore, a portion of the 6.8-acre agricultural buffer area could be considered impacted acreage where suitable habitat exists. Impacts to burrowing owl habitat would only occur within the Stormwater BSA if the off-site storage pond alternative is selected for the ARC Project rather than the pump station alternative, as discussed in more detail in the Chapter 3.3 of the SEIR.

Implementation of Mitigation Measure 3-18 would mitigate the potential impacts to burrowing owl to less than significance, by requiring the applicant to obtain coverage under the Yolo HCP/NCCP for on-site, and potentially off-site, infrastructure work, which shall include the payment of any applicable Yolo HCP/NCCP fees and implementation of Yolo HCP/NCCP Avoidance and Minimization Measure AMM-18 (Minimize Take and Adverse Effects on Western Burrowing Owl) to the satisfaction of the City and the Yolo Habitat Conservancy.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

- 3-18 To ensure avoidance and minimization of impacts to Western Burrowing Owl, the project applicant for the ARC shall obtain coverage under the Yolo HCP/NCCP for on-site, and as may be determined necessary by Yolo Habitat Conservancy, for off-site infrastructure work, for each phase of development. In addition to payment of any applicable HCP/NCCP fees, the applicant shall implement Yolo HCP/NCCP Avoidance and Minimization Measure AMM-18 (Minimize Take and Adverse*

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Effects on Western Burrowing Owl) to the satisfaction of the City and the YHC. AMM-18⁶ provides:

The project proponent will retain a qualified biologist to conduct planning-level surveys and identify western burrowing owl habitat (as defined in Appendix A of the Yolo HCP/NCCP, Covered Species Accounts) within or adjacent to (i.e., within 500 feet of) a covered activity. If habitat for this species is present, additional surveys for the species by a qualified biologist are required, consistent with CDFW guidelines (Yolo HCP/NCCP, Appendix L).

If burrowing owls are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat as follows. Occupied habitat is considered fully avoided if the project footprint does not impinge on a non-disturbance buffer around the suitable burrow. For occupied burrowing owl nest burrows, this non-disturbance buffer could range from 150 to 1,500 feet (Table 3-17, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls), depending on the time of year and the level of disturbance, based on current guidelines (California Department of Fish and Game 2012).

Table 3-17			
Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls Time of Year Level of Disturbance (feet) from Occupied Burrows			
Time of Year	Level of Disturbance (feet) from Occupied Burrows		
	Low	Medium	High
<i>April 1 – August 15</i>	<i>600</i>	<i>1,500</i>	<i>1,500</i>
<i>August 16 – October 15</i>	<i>600</i>	<i>600</i>	<i>1,500</i>
<i>October 16-March 31</i>	<i>150</i>	<i>300</i>	<i>1,500</i>

The Yolo HCP/NCCP generally defines low, medium, and high levels of disturbances of burrowing owls as follows.

- *Low: Typically 71-80 dB, generally characterized by the presence of passenger vehicles, small gas-powered engines (e.g., lawn mowers, small chain saws, portable generators), and high tension power lines. Includes electric hand tools (except circular saws, impact wrenches and similar). Management and enhancement activities would typically fall under this category. Human activity in the immediate vicinity of burrowing owls*

⁶ Per Table 5-2(b) of the HCP/NCCP, no injury or mortality of individuals would occur with application of avoidance and minimization measures (Final HCP/NCCP, pp. 5-21 to 5-25).

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would also constitute a low level of disturbance, regardless of the noise levels.

- *Moderate*: Typically 81-90 dB, and would include medium- and large-sized construction equipment, such as backhoes, front end loaders, large pumps and generators, road graders, dozers, dump trucks, drill rigs, and other moderate to large diesel engines. Also includes power saws, large chainsaws, pneumatic drills and impact wrenches, and large gasoline-powered tools. Construction activities would normally fall under this category.
- *High*: Typically 91-100 dB, and is generally characterized by impacting devices, jackhammers, compression (“jake”) brakes on large trucks, and trains. This category includes both vibratory and impact pile drivers (smaller steel or wood piles) such as used to install piles and guard rails, and large pneumatic tools such as chipping machines. It may also include large diesel and gasoline engines, especially if in concert with other impacting devices. Felling of large trees (defined as dominant or subdominant trees in mature forests), truck horns, yarding tower whistles, and muffled or underground explosives are also included. Very few covered activities are expected to fall under this category, but some construction activities may result in this level of disturbance.

The project proponent may qualify for a reduced buffer size, based on existing vegetation, human development, and land use, if agreed upon by CDFW and USFWS (California Department of Fish and Game 2012).

If the project does not fully avoid direct and indirect effects on nesting sites (i.e., if the project cannot adhere to the buffers described above), the project proponent will retain a qualified biologist to conduct preconstruction surveys and document the presence or absence of western burrowing owls that could be affected by the covered activity. Prior to any ground disturbance related to covered activities, the qualified biologist will conduct the preconstruction surveys within three days prior to ground disturbance in areas identified in the planning-level surveys as having suitable burrowing owl burrows, consistent with CDFW preconstruction survey guidelines (Yolo HCP/NCCP, Appendix L, Take Avoidance Surveys). The qualified biologist will conduct the preconstruction surveys three days prior to ground disturbance. Time lapses between ground disturbing activities will trigger subsequent surveys prior to ground disturbance.

If the biologist finds the site to be occupied by western burrowing owls during the breeding season (February 1 to August 31), the project proponent will avoid all nest sites, based on the buffer distances described above, during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups that forage on or near the site following fledging). Construction may occur inside of the disturbance buffer during the breeding season if the nest is not disturbed and the project proponent develops

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an AMM plan that is approved by the Conservancy, CDFW, and USFWS prior to project construction, based on the following criteria:

- *The Conservancy, CDFW, and USFWS approves the AMM plan provided by the project proponent.*
- *A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).*
- *The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.*
- *If the qualified biologist identifies a change in owl nesting and foraging behavior as a result of construction activities, the qualified biologist will have the authority to stop all construction related activities within the non-disturbance buffers described above. The qualified biologist will report this information to the Conservancy, CDFW, and USFWS within 24 hours, and the Conservancy will require that these activities immediately cease within the non-disturbance buffer. Construction cannot resume within the buffer until the adults and juveniles from the occupied burrows have moved out of the project site, and the Conservancy, CDFW, and USFWS agree.*
- *If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the project proponent may remove the non-disturbance buffer, only with concurrence from CDFW and USFWS. If the burrow cannot be avoided by construction activity, the biologist will excavate and collapse the burrow in accordance with CDFW's 2012 guidelines to prevent reoccupation after receiving approval from the wildlife agencies.*

If evidence of western burrowing owl is detected outside the breeding season (December 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows, consistent with Table 3-17, as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites:

- *A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).*
- *The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.*
- *If there is any change in owl roosting and foraging behavior as a result of construction activities, these activities will cease within the buffer.*
- *If the owls are gone for at least one week, the project proponent may request approval from the Conservancy, CDFW, and USFWS for a qualified*

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biologist to excavate and collapse usable burrows to prevent owls from reoccupying the site if the burrow cannot be avoided by construction activities. The qualified biologist will install one-way doors for a 48-hour period prior to collapsing any potentially occupied burrows. After all usable burrows are excavated, the buffer will be removed and construction may continue.

Monitoring must continue as described above for the nonbreeding season as long as the burrow remains active.

A qualified biologist will monitor the site, consistent with the requirements described above, to ensure that buffers are enforced and owls are not disturbed. Passive relocation (i.e., exclusion) of owls has been used in the past in the Plan Area to remove and exclude owls from active burrows during the nonbreeding season (Trulio 1995). Exclusion and burrow closure will not be conducted during the breeding season for any occupied burrow. If the Conservancy determines that passive relocation is necessary, the project proponent will develop a burrowing owl exclusion plan in consultation with CDFW biologists. The methods will be designed as described in the species monitoring guidelines (California Department of Fish and Game 2012) and consistent with the most up-to-date checklist of passive relocation techniques. This may include the installation of one-way doors in burrow entrances by a qualified biologist during the nonbreeding season. These doors will be in place for 48 hours and monitored twice daily to ensure that the owls have left the burrow, after which time the biologist will collapse the burrow to prevent reoccupation. Burrows will be excavated using hand tools. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure, such as piping, into the burrow to prevent collapsing until the entire burrow can be excavated and it can be determined that no owls are trapped inside the burrow. The Conservancy may allow other methods of passive or active relocation, based on best available science, if approved by the wildlife agencies. Artificial burrows will be constructed prior to exclusion and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.

- 5. IMPACTS TO SWAINSON'S HAWK (SEIR IMPACT 3-19).
 - (a) Potential Impact. The potential for the project to result in impacts to Swainson's hawk is discussed on pages 3-104 through 3-108 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-106). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is

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within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Impacts to Swainson's hawk would be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-19. Since the certification of the MRIC EIR, the Yolo/NCCP has been adopted, which implements a regional strategy for protecting Swainson's hawk nesting and foraging habitat. Suitable nesting and foraging habitat for Swainson's hawk exists within the ARC BSA and Stormwater BSA, and along I-80, Mace Boulevard, Chiles Road, and portions of the MDC and Railroad Channel. . Impacts to foraging habitat would only occur within the Stormwater BSA if the off-site storage pond alternative is selected for the ARC Project rather than the pump station alternative, as discussed in more detail in Chapter 3.3 of the SEIR. Implementation of Mitigation Measure 3-19 would mitigate the potential impacts to Swainson's hawk to less than significance, by requiring the applicant to obtain coverage under the Yolo HCP/NCCP for on-site, and potentially off-site, infrastructure work, which shall include the payment of any applicable Yolo HCP/NCCP fees and implementation of Yolo HCP/NCCP Avoidance and Minimization Measure AMM-16 (Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite) to the satisfaction of the City and the Yolo Habitat Conservancy..

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

- 3-19 *To ensure avoidance and minimization of impacts to Swainson's hawk and their habitat, the project applicant for the ARC, or the Mace Triangle as applicable, shall obtain coverage under the Yolo HCP/NCCP for on-site, and as may be determined necessary by Yolo Habitat Conservancy, for off-site infrastructure work, for each phase of development. In addition to payment of any applicable HCP/NCCP fees, the applicant shall implement Yolo HCP/NCCP Avoidance and Minimization Measure AMM-16 (Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite) to the satisfaction of the City and the YHC. AMM-16⁷ provides:*

The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

⁷ Per Table 5-2(b) of the HCP/NCCP, no injury or mortality of individuals would occur with application of avoidance and minimization measures (Final HCP/NCCP, pp. 5-21 to 5-25).]

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If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.

For covered activities that involve pruning or removal of a potential Swainson's hawk nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

- 6. IMPACTS TO RAPTORS, NESTING BIRDS, OR OTHER BIRDS PROTECTED UNDER THE MBTA (SEIR IMPACT 3-20).
 - (a) Potential Impact. The potential for the project to result in impacts to raptors, nesting birds, or other birds protected under the MBTA is discussed on pages 3-108 through 3-114 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-111). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in

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the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Impacts to raptors, nesting birds, or other birds protected under the MBTA would be mitigated to a less than significant level upon implementation of Mitigation Measures 3-20(a) through 3-20(c). Suitable nesting and foraging habitat for special-status birds and non-special status birds protected under the MBTA exists within the Study Area. Impacts to foraging habitat would only occur within the Stormwater BSA if the off-site storage pond alternative is selected for the ARC Project rather than the pump station alternative, as discussed in more detail in Chapter 3.3 of the SEIR. While only white-tailed kite and tricolored blackbird are species covered under the Yolo HCP/NCCP, the applicant's payment of the Land Cover fees will help address impacts to all of these species' habitats.

Implementation of Mitigation Measures 3-20(a) and 3-20(b) would mitigate the potential impacts to raptors, nesting birds, and other birds protected under the MBTA less than significance, by requiring the applicant to obtain coverage under the Yolo HCP/NCCP for on-site, and potentially off-site, infrastructure work, which shall include the payment of any applicable Yolo HCP/NCCP fees and implementation of Yolo HCP/NCCP Avoidance and Minimization Measure AMM-16 (Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite) and AMM-21 (Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird) to the satisfaction of the City and the Yolo Habitat Conservancy. Mitigation Measure 3-20(c) would require specific survey requirements for Northern harrier, mountain plover, Modesto song sparrow and other migratory birds, and avoidance and minimization measures to be implemented if such species are found. Overall, impacts related to raptors, nesting birds, or other birds protected under the MBTA under the ARC Project would be less-than-significant with mitigation.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

- 3-20(a) *White-tailed kite. To ensure avoidance and minimization of impacts to White-Tailed Kite, the project applicant for the ARC Project shall obtain coverage under the Yolo HCP/NCCP for on-site, and as may be determined necessary by Yolo Habitat Conservancy, for off-site infrastructure work, for each phase of development. In addition to payment of any applicable HCP/NCCP fees, the applicant shall implement Yolo HCP/NCCP Avoidance and Minimization Measure AMM-16 (Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite) to the satisfaction of the City and the YHC. AMM-16 provides:*

The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the

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project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior.

For covered activities that involve pruning or removal of a potential white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

- 3-20(b) *Tricolored blackbird. To ensure avoidance and minimization of impacts to Tricolored Blackbird, the project applicant for the ARC Project shall obtain coverage under the Yolo HCP/NCCP for on-site, and as may be determined necessary by Yolo Habitat Conservancy, for off-site infrastructure work, for each phase of development. In addition to payment of any applicable HCP/NCCP fees, the applicant shall implement Yolo HCP/NCCP Avoidance and Minimization Measure AMM-21 (Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird) to the satisfaction of the City and the YHC. AMM-21 provides:*

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The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A of the Yolo HCP/NCCP, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).

Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures.

If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

ARC Project and Mace Triangle

3-20(c) Northern harrier, mountain plover, Modesto song sparrow and other migratory birds. The project applicant shall implement the following measures to avoid or minimize impacts to migratory birds and other protected bird species during on- and off-site construction:

- If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active nests shall not be needed.*
- If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior site disturbance or construction activity for any phase of development. The survey area shall*

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cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 250-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other CDFW-protected bird is not found, then no further mitigation measures are necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.

- *If an active nest of a bird of prey, MBTA bird, or other CDFW-protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the project applicant shall immediately:*
 - o *Stop all work within a 100-foot radius of the discovery.*
 - o *Notify the City of Davis Department of Community Development and Sustainability.*
 - o *Do not resume work within the 100-foot radius until authorized by the biologist.*
 - o *The biologist shall establish a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. No work may occur within the ESA until the biologist determines that the nest is no longer active.*

- 7. IMPACTS TO RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, AND REGULATIONS OR BY THE CDFW OR USFWS (SEIR IMPACT 3-21).
 - (a) Potential Impact. The potential for the project to result in impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS is discussed on pages 3-114 and 3-115 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-115). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or

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by the CDFW or USFWS would be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-21. The only feature within the Study Area that contains sensitive natural habitats, albeit limited in nature, is the MDC. Implementation of Mitigation Measure 3-21 mitigate potential impacts to less than significance by requiring the applicant to notify CDFW pursuant to Section 1602 of the Fish and Wildlife Code, prior to conducting any non-maintenance work within the bed and banks of the MDC for any phase of development. If CDFW determines that a Streambed Alteration Agreement (SAA) is necessary, the applicant would be required to obtain a SAA and comply with all conditions of that Agreement, including the payment of any applicable Yolo HCP/NCCP fees. Overall, impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS would be less-than-significant with mitigation.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

3-21 The project applicant for the ARC Site shall implement the following measure to avoid or minimize impacts to the Mace Drainage Channel:

- Prior to conducting non-maintenance work within the bed and banks in the Mace Drainage Channel for any phase of development, as applicable, the project applicant for the ARC Site shall notify CDFW pursuant to Section 1602 of the Fish and Wildlife Code. If CDFW determines that a Streambed Alteration Agreement (SAA) is necessary, the applicant shall obtain a SAA and comply with all conditions of that Agreement, including the payment of any applicable Yolo HCP/NCCP fees. Compliance with the SAA shall be ensured by the City of Davis Department of Community Development and Sustainability. This does not apply to City maintenance work within the Mace Drainage Channel, for which the City already has an agreement with CDFW.*

Mace Triangle

None required.

- 8. CONFLICT, OR CREATE AN INCONSISTENCY, WITH ANY APPLICABLE BIOLOGICAL RESOURCES PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT (SEIR IMPACT 3-26).
 - (a) Potential Impact. The potential for the project to conflict, or create an inconsistency, with any applicable biological resources plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect is discussed on pages 3-118 through 3-120 of the Draft SEIR.

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- (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-319). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Impacts related to a conflict or inconsistency with an applicable biological resources plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-26. Like the MRIC Project, the ARC Project is generally consistent with the applicable plan, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects related to biological resources. Additional urban development within the Mace Triangle in the future would be subject to further City review in connection with discretionary entitlements, which would ensure consistency with applicable plans, policies, or regulations. Any potential impacts would be reduced to less than significance with the implementation of Mitigation Measure 3-26, which would ensure that that the ARC Project's buffer/drainage features would be wildlife friendly natural places. Furthermore, compliance with the Yolo HCP/NCCP requires payment of Land Cover fees to facilitate the Plan's conservation strategy, which includes protection of habitat reserve areas. Therefore, impacts related to conflicting, or creating an inconsistency, with any applicable biological resources plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be mitigated to a less-than-significant level.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

- 3-26 *At or prior to final planned development, or tentative map submittal, whichever occurs first, the applicant shall submit a design plan for the proposed on-site buffer/drainage features to the Department of Community Development and Sustainability and the Department of Public Works for review and approval. The design plan shall demonstrate how the buffer/drainage features will be wildlife friendly natural spaces, with respect to details such as plant types, detention slopes, etc. In addition, should staff determine that in order to meet the City's stated objectives for urban agricultural transition areas (UATA), as well as drainage and safety, the proposed buffer design shall be modified to concentrate the proposed buffer and drainage areas to the northern and eastern boundaries of the project site, in order to establish wider UATA segments.*

Mace Triangle

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None required.

• E. CULTURAL RESOURCES

- 1. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE (SEIR IMPACT 3-27).
 - (a) Potential Impact. The potential for the project to cause a substantial adverse change in the significance of a historical resource is discussed on pages 3-121 through 3-123 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-122). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts related to a substantial adverse change in the significance of a historical resource will be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-27. Archival research associated with the MRIC location identified two historic resources that may be at least partly within the area associated with the proposed off-site sewer alignment: the William Seward Wright Home and Farm (standing) and the William Robert Wright Family House (demolished). In addition to the standing structures, the Certified MRIC EIR concluded that historic-period artifacts or subsurface remains may be present within the area. Far Western's field survey and records search at the Northwest Information Center did not identify evidence of historic resources or sites on any of the Mace Triangle Site parcels. The ARC Project would consist of development over much of the same site as the MRIC Project, excluding most of the 25-acre City-owned parcel to the northwest of the ARC Site. Implementation of Mitigation Measure 3-27 requires site-specific measures, which would reduce any potential impacts to a less-than-significant level.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

- 3-27 If the northerly off-site sewer alignment is selected for the ARC Project, then prior to approval of design-level improvement plans for the off-site sewer pipe, the applicant shall retain a qualified archaeologist to design and implement a cultural study, the intent of which shall be to identify and investigate any subsurface historic remains within the northerly portion of the sewer pipe construction limits.*

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Because of the potential for fragile prehistoric remains within this area, the evaluation shall include only metal detection and hand excavation. Metal detection should include a complete sweep of the APE adjacent to the farm structures, to test for subsurface features. Hand excavation should include testing of the metal detection finds. If no subsurface features are uncovered, no additional cultural investigations will necessary. If, on the other hand, structural remains are found, the investigation shall continue as formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), and photo-documentation and recordation. If the evaluation determines that the features do not have sufficient data potential to be eligible for the California Register, no additional work should be required. However, if data potential exists – e.g., there is an intact feature – it will be necessary to mitigate any project impacts. The evaluation shall be submitted to the Davis Department of Community Development and Sustainability for review.

If it is determined that standing structures associated with the William Seward Wright house and farm are within, or immediately adjacent to, the off-site sewer APE, a qualified architectural historian shall conduct an evaluation of those structures for their potential eligibility for the California Register of Historical Resources. The evaluation should include a full assessment of the structures, archival research to confirm the age, occupants, and historic uses of the structures, and the dates and extent of any renovations that might impact the structures' historic integrity. Should the structures be determined to be eligible for the California Register, pursuant to Public Resources Code Section 5024.1, Title 14 CCR, Section 4852, any mitigation measures provided in the architectural historian's report shall be followed. Should the structures be determined ineligible for the California Register, no further consideration shall be required. The evaluation shall be submitted to the Davis Department of Community Development and Sustainability for review.

Mitigation of impacts might include avoidance of further disturbance to the resources through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resources, to collect enough information to exhaust the data potential of those resources. Impacts to the standing structures shall be mitigated through recordation to the standards of the National Park Service's Historic American Buildings Survey (HABS), as determined by the qualified architectural historian.

Mace Triangle

None required.

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- 2. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO SECTION 15064.5 (SEIR IMPACT 3-28).
 - (a) Potential Impact. The potential for the project to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 is discussed on pages 3-123 through 3-126 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-124). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts related to a substantial adverse change in the significance of an archaeological resource will be mitigated to a less-than-significant level upon implementation of Mitigation Measures 3-28(a) through 3-28(c). A prehistoric archaeological site is purported to exist at the approximate terminus of the northerly off-site sewer pipe alignment, along CR 30, within the environs of the existing farm/ranch complex. Native American consultation pursuant to SB 18 did not yield any information regarding archaeological resources within the area. An assessment of the potential for buried archaeological deposits indicated that the northwestern corner of the parcel and the north/south-oriented potential route for the sanitary sewer main are sensitive for buried prehistoric archaeological resources; however, the high sensitivity area in the northwestern corner falls primarily within the 25-acre City-owned property, which would not be developed under the ARC Project. Nonetheless, small areas of high archeological sensitivity may extend into portions of the agricultural buffer, where disturbance would occur during buffer establishment.

If the applicant selects the northerly off-site sewer pipe alignment, then installation of the sewer pipe could result in adverse effects to archaeological resources should a prehistoric site be present within the limits of construction. Because of the potential for subsurface remains, additional work should be conducted in the area at the location of the purported prehistoric site, if the northerly sewer alignment is selected as the preferred off-site sewer alignment. Conversely, if the project proponent chooses the east-west alignment of the off-site sewer line, the prehistoric site will not be within the area; and thus, further investigation will not be required. In the latter case, only the northwestern corner of the ARC site will require subsurface testing for archaeological remains because, based upon soils analysis and historic waterway alignments, this area has been determined to have a high potential for buried archaeological deposits.

Implementation of Mitigation Measures 3-28(a) and 3-28(b) would mitigate potential impacts to less than significance by requiring the applicant to retain a qualified archaeologist to design

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and implement an archeological study if development occurs within the areas designated as having “high” sensitivity for buried sites or if the northerly off-site sewer alignment is selected for the ARC Project. Given the largely disturbed nature of the 16.58-acre Mace Triangle Site, the possibility for encountering archaeological resource deposits during future construction of the Mace Triangle is limited. However, in the unlikely event that archaeological resource deposits are encountered during future construction at the Mace Triangle Site or at the ARC Site, implementation of Mitigation Measure 3-28(c) would ensure that impacts to archaeological resources would be less than significant by requiring the applicant to cease all work and retain an archeologist to evaluate the finds.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-28(a) Prior to approval of any on- and/or off-site improvement plans for development within the areas designated as having “high” sensitivity for buried sites per Figure 7 of the “Archaeological Survey Report for the Proposed Davis Innovation Center: Mace Ranch Location”, prepared by Far Western Anthropological Research Group, the applicant shall retain a qualified archaeologist to design and implement an archeological study, the intent of which shall be to identify and investigate any subsurface archaeological remains within the northwestern portion of the ARC Site. The subsurface sampling methodology outlined in the study shall be sufficient to enable the qualified archaeologist to define the physical extent and nature of any artifact-bearing deposits should they be discovered. Because of the potential for fragile prehistoric remains, the evaluation should include only hand excavation. Hand excavation should include placement of a series of small shovel probes across the site to look for prehistoric artifacts and features. If artifact-bearing deposits are not uncovered, additional cultural investigations are not required. If artifact-bearing features are found, the investigation shall continue as formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, hand excavation of larger control units and analysis of the artifact assemblage(s). If the evaluation determines that the artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – necessary mitigation measures shall be implemented to alleviate any project impacts. The evaluation shall be submitted to the Davis Department of Community Development and Sustainability for review.

Mitigation of impacts might include avoidance of further disturbance to the resources through project redesign. If redesign is not feasible, additional data

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recovery excavations shall be conducted for the archaeological resources, to collect enough information to exhaust the data potential of those resources.

- 3-28(b) *If the northerly off-site sewer alignment is selected for the ARC Project, then prior to approval of design-level improvement plans for the off-site sewer pipe, the applicant shall retain a qualified archaeologist to design and implement an archeological study, the intent of which shall be to identify and investigate any subsurface archaeological remains within the northerly portion of the sewer pipe construction limits. The subsurface sampling methodology outlined in the study shall be sufficient to enable the qualified archaeologist to define the physical extent and nature of any artifact-bearing deposits should they be discovered. Because of the potential for fragile prehistoric remains, the evaluation should include only hand excavation. Hand excavation should include placement of a series of small shovel probes across the site to look for prehistoric artifacts and features. If artifact-bearing deposits are not uncovered, additional archaeological investigations are not required. If artifact-bearing features are found, the investigation shall continue as formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, hand excavation of larger control units and analysis of the artifact assemblage(s). If the evaluation determines that the artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – necessary mitigation measures shall be implemented to alleviate any project impacts. The evaluation shall be submitted to the Davis Department of Community Development and Sustainability for review.*

Mitigation of impacts might include avoidance of further disturbance to the resources through project redesign. If redesign is not feasible, additional data recovery excavations shall be conducted for the archaeological resources, to collect enough information to exhaust the data potential of those resources.

ARC Project and Mace Triangle

- 3-28(c) *If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, all work within the vicinity of the find shall cease and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the finds. If the resource is determined to be eligible for inclusion in the California Register of Historical Resources and project impacts cannot be avoided, data recovery shall be undertaken. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the*

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resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory. This language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the ARC Site and/or 16.49-acre Mace Triangle Site.

- 3. DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR UNIQUE GEOLOGIC FEATURE ON THE PROJECT SITE (SEIR IMPACT 3-29).
 - (a) Potential Impact. The potential for the project to directly or indirectly destroy a unique paleontological resource or unique geologic feature on the project site is discussed on page 3-126 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-126). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts related to directly or indirectly destroying a unique paleontological resource or unique geologic feature on the project site would be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-29. Although the potential for paleontological resources to be impacted during construction is considered remote, unknown resources could be encountered during excavation activities. Implementation of Mitigation Measure 3-29 requires specific performance standards to be met in the event that resources are encountered during ground-disturbing activity, including a halt to all work in the immediate vicinity of the discovery until inspected by an archeological monitor or paleontologist. Such mitigation which would ensure that potential impacts to paleontological resources would be reduced to a less-than-significant level.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

- 3-29 *If any vertebrate bones or teeth are found by the construction crew, the contractor shall cease all work in the immediate vicinity of the discovery until an on-site archaeological monitor, if present, inspects the discovery; if none is present, or if recommended by the monitor, a professional paleontologist shall evaluate the find. If deemed significant with respect to authenticity, completeness,*

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preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., UCMP), where it will be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the ARC Site and/or 16.49-acre Mace Triangle Site, where excavation work will be required.

- 4. DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES (SEIR IMPACT 3-30).
 - (a) Potential Impact. The potential for the project to disturb any human remains, including those interred outside of formal cemeteries is discussed on pages 3-126 through 3-127 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-127). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts related to the disturbance of any human remains, including those interred outside of formal cemeteries, would be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-30. As discussed in the SEIR, the Sacred Lands File failed to indicate the presence of Native American cultural resources in the immediate area of the MRIC Site, and Far Western did not detect any evidence for human remains or burials within the area. The ARC Project would include development of the same site, excluding the 25-acre City-owned property. Although human remains or evidence thereof was not identified within the area, the potential for unknown human remains to be discovered during construction cannot be eliminated given the known prehistoric occupation of the vicinity by Native American tribes. If any bone is uncovered that may be human during construction, Mitigation Measure 3-30 requires that further disturbance not occur in the vicinity until the Yolo County Coroner has made findings as to origin. Remains are to be left in place until a final decision has been made as to treatment and disposition. If the remains are Native American, the California Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation shall be notified within 24 hours. Implementation of Mitigation Measure 3-30 would ensure that potential impacts to human remains would be reduced to a less-than-significant level.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

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ARC Project and Mace Triangle

3-30 *During construction, if bone is uncovered that may be human, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California PRC Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC), located in Sacramento, and the-Yocha Dehe Wintun Nation shall be notified within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in PRC 5097.98.*

● F. GEOLOGY, SOILS, AND MINERAL RESOURCES

- 1. RESULT IN SUBSTANTIAL SOIL EROSION OR LOSS OF TOPSOIL (SEIR IMPACT 3-33).
 - (a) Potential Impact. The potential for the project to result in substantial soil erosion or loss of topsoil is discussed on pages 3-129 and 3-130 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-129). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Similar to the MRIC Project, the ARC Project's impacts related to substantial soil erosion or loss of topsoil will be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-33. The ARC Project includes utility excavation and recompaction of a portion of the ARC Site soils. In addition, during earthwork operations, existing soils must be completely removed to expose firm undisturbed soil. Such earthwork activities could result in the exposure of loose soil to wind and/or water. Eroded soils could then be inadvertently transported into off-site drainage facilities. The Mace Triangle Site does not contain any open channels and the Park-and-Ride lot would not be disturbed as part of the project. Future disturbance of topsoil within the Mace Triangle Site is anticipated to be limited to any future development at the Ikeda's Market parcel and the easternmost vacant parcel. Mitigation Measure 3-33 requires the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. Mitigation Measure 3-33 would reduce the

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potential for, and mitigate risks associated with, substantial erosion or loss of topsoil during project construction.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-33 *Prior to initiation of any grading activities for each phase of development at the ARC Site, or Mace Triangle Site, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other groundcover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Davis and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.*

- 2. BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE (SEIR IMPACT 3-34).
 - (a) Potential Impact. The potential for the project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in lateral spreading, subsidence, liquefaction, or collapse is discussed on pages 3-130 through 3-132 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-132). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Like the MRIC Project, the ARC Project's impacts related to its location on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in lateral spreading, subsidence, liquefaction, or collapse, will be

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mitigated to a less-than-significant level upon implementation of Mitigation Measures 3-34(a) and 3-34(b). WKA concluded that the potential for liquefaction of the soils or post-liquefaction settlement beneath the ARC Site is low and impacts would be less than significant. However, the potential for the buildings constructed under the ARC Project to be subjected to geologic effects or hazards, including unstable soils, exists. Mitigation Measure 3-34(a) would require preparation of a design-level geotechnical engineering report prior to final design approval and the issuance of building permits. The report would be required to address compaction specifications and subgrade preparation of on-site soil, structural foundations, grading practices, and expansive/unstable soils. Mitigation Measure 3-34(b) would similarly require preparation of a design-level geotechnical engineering report prior to any future development within the Mace Triangle Site. Implementation of Mitigation Measures 3-34(a) and 3-34(b) would ensure that impacts related to being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in lateral spreading, subsidence, liquefaction, or collapse are reduced to a less-than-significant level.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-34(a) Prior to final design approval and issuance of building permits for each phase of the project, the project applicant for the ARC Site shall submit to the City of Davis Building Inspection Division, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled Preliminary Geotechnical Engineering Report, Mace Ranch Innovation Center, dated January 20, 2015 unless it is determined in the design-level report that one or more recommendations need to be revised. The design-level report shall address, at a minimum, the following:

- *Compaction specifications and subgrade preparation for on-site soils;*
- *Structural foundations, including retaining wall design (if applicable);*
- *Grading practices; and*
- *Expansive/unstable soils, including fill.*

Design-level recommendations shall be included in the foundation and improvement plans and approved by the Davis Public Works Department prior to issuance of any building permits.

Mace Triangle

3-34(b) Prior to final design approval and issuance of building permits for future on-site development, the future project applicant for the Mace Triangle Site shall submit

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a site-specific, design-level geotechnical report produced by a California Registered Geotechnical Engineer to the City of Davis Building Inspection Division for review and approval. The geotechnical report shall include, but would not be limited to, an analysis of the on-site geologic and seismic conditions, including soil sampling and testing. Recommendations shall be included regarding project design measures to avoid risks to people and structures, including compliance with the latest CBC regulations, structural foundations, and grading practices.

- 3. BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 118-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY (SEIR IMPACT 3-35).
 - (a) Potential Impact. The potential for the project to be located on expansive soil, as defined in Table 118-1-B of the Uniform Building Code (1994), creating substantial risks to life or property is discussed on pages 3-132 and 3-133 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-133). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. As for the MRIC Project, the ARC Project's impacts related to expansive soils, would be mitigated to a less-than-significant level upon implementation of Mitigation Measures 3-35(a) and 3-35(b). As discussed in the Draft SEIR, laboratory testing of clay soils revealed the near-surface soils of the ARC Site are of high to very high plasticity, and near-surface soils collected from the upper four feet possess a "medium" to "very high" expansion potential. While a site-specific geotechnical report has not been prepared for the Mace Triangle Site, findings are expected to be similar as to those for the neighboring ARC Site, given the close proximity of the two sites. Mitigation Measures 3-35(a) and 3-35(b) require implementation of Mitigation Measures 3-34(a) and 3-34(b). As noted above, Mitigation Measures 3-34(a) and 3-34(b) would require preparation of design-level geotechnical engineering reports prior to development of the ARC Site or the Mace Triangle Site. Accordingly, the implementation of Mitigation Measures 3-35(a) and 3-35(b) would ensure that impacts related expansive soils are reduced to a less-than-significant level.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-35(a) Implement Mitigation Measure 3-34(a).

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Mace Triangle

3-35(b) Implement Mitigation Measure 3-34(b).

• G. GREENHOUSE GAS EMISSIONS AND ENERGY

- 1. IMPACTS RELATED TO ENERGY ASSOCIATED WITH OPERATIONS (SEIR IMPACT 3-40).
 - (a) Potential Impact. The potential for the project to result in impacts related to energy associated with operations is discussed on pages 3-150 through 3-154 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-154). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Impacts related to energy associated with operations will be mitigated to a less-than-significant level upon implementation of Mitigation Measure 3-40. As discussed in the Draft SEIR, buildout of the ARC Project would result in an increase in energy demand and usage within the City, including building energy usage and transportation energy usage. As compared to the MRIC Project, the ARC Project would involve operational energy consumption for the same amount of non-residential uses, including data centers, but would also introduce 850 residential uses. However, since certification of the MRIC EIR, the California Building Standards Code (CBSC) has been updated twice to include improvements in the energy efficiency requirements of new development. In addition, the City of Davis requires new developments to meet the Tier 1 standards of the CalGreen Code, and the applicant has committed to providing at least 50 percent of the ARC Project's energy demand through the incorporation of on-site renewable energy generation systems. The ARC Project is also anticipated to include the use of shading and passive solar techniques that would further contribute to reductions in energy demand.

The ARC Project would be expected to consume a maximum of 13.64 GWh per year, and 34,607,340 kBTU per year, although this may be an overestimation given that buildout is anticipated over approximately 20 or more years, and the California Energy Efficiency Strategic Plan has identified that all new commercial buildings constructed after 2030 shall be zero net energy. Operations of the Mace Triangle Site would be anticipated to consume 0.13 GWh of electricity and 728,812 kBTU/year of natural gas per year.

With regard to transportation energy, the ARC Project is anticipated to result in increased VMT, but would also include measures that would support alternatively fueled vehicles and alternative modes of transportation, such as electric vehicle charging stations, the

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implementation of a TDM Program, and bicycle and pedestrian infrastructure. By including residential development and a mixture of various types of non-residential uses, the ARC Project would also encourage future employees to live and work within or in close proximity to the site, thereby encouraging forms of transportation other than single-family vehicles. The incorporation of such measures and programs would ensure that the ARC Project would not result in an inefficient, wasteful, or unnecessary consumption of energy.

As was concluded for the MRIC Project, the ARC Project would only be anticipated to result in a wasteful, inefficient, or unnecessary usage of energy if future potential data centers are not designed to maximize energy efficiency. Implementation of Mitigation Measure 3-40 would require the preparation of an Energy Management Plan for non-residential buildings, which would reduce impacts related to the inefficient or wasteful use of energy during operations to a less-than-significant level.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-40 Prior to issuance of building permits for non-residential buildings that include data centers, the applicant shall submit an Energy Management Plan to the City of Davis Department of Community Development and Sustainability demonstrating compliance with principles for energy management for data centers, which could include, but not be limited to the following:

- *IT Systems;*
- *Air Management;*
- *Centralized Air Handling;*
- *Cooling Plant Optimization;*
- *On-Site Generation;*
- *Uninterruptible Power Supply Systems.*

Other energy efficient technologies and best practices that are available at the time construction drawings are submitted could be included in the Energy Management Plan as well, such as any measures described by US Department of Energy Center of Expertise for Energy Efficiency in Data Centers.

• H. HAZARDS AND HAZARDOUS MATERIALS

- 1. CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT ASSOCIATED WITH POTENTIAL ON-SITE TANKS, WELL, OR SOIL CONTAMINATION (SEIR IMPACT 3-43).

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- (a) Potential Impact. The potential for the project to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions is discussed on pages 3-157 through 3-162 of the Draft SEIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-160). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. The ARC Project would involve development over the same site as the MRIC Project, excluding the 25-acre City-owned property. As such, the same potential on-site hazards would occur, including abandoned tanks or wells or contaminated soils, and can be mitigated to less than significant levels. With implementation of Mitigation Measures 3-43(a) through 3-43(c), the ARC Project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials related to nearby uses or potential soil contamination. Any remaining impacts after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

- 3-43(a) Prior to any ground disturbance activities within 50 feet of a well on the ARC Site, the applicant shall hire a licensed well contractor to obtain a well abandonment permit for any wells not anticipated to be used from the Yolo County Environmental Health Services Department, and properly abandon the on-site wells, pursuant to review and approval by the City Engineer and the Yolo County Environmental Health Services Department.*
- 3-43(b) If any debris is encountered within the former canal on APN 033-630-009 during construction activities, as shown on the construction plans for the ARC Site, the contractor shall contact the project applicant, who shall retain the services of a qualified environmental hazard firm, to evaluate the debris to determine whether it poses any environmental contamination risks. A written evaluation shall be submitted to the City of Davis Department of Community Development and Sustainability. If the debris is trash or other non-hazardous material, then the contractor shall dispose of the debris and no further mitigation shall be required. If the debris is associated with signs of soil staining or odors indicative of hazardous materials, the environmental hazard firm shall conduct additional evaluation, including but not necessarily limited to soil sampling. If soil samples*

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detect concentrations of hazardous materials above applicable Regional Screening Levels (RSL), then the soils shall be remediated and disposed of at a landfill licensed to accept hazardous waste. If constituent concentrations are below RSLs, then no further mitigation shall be necessary.

Mace Triangle

3-43(c) In conjunction with submittal of a final planned development and/or tentative map for any parcel in the Mace Triangle property, the applicant shall submit a Phase I Environmental Site Assessment for that parcel, which shall evaluate on-site conditions, including but not limited to the presence of any wells, evidence of soil staining, or odors indicative of hazardous substances.

In addition, due to the past agricultural operations on the easternmost parcel, a soil sampling program shall be implemented to assess potential agrichemical impacts to surface soil within the easternmost parcel, as follows:

A soil sampling and analysis workplan shall be submitted for approval to Yolo County Environmental Health Department. The sampling and analysis plan will meet the requirements of the Department of Toxic Substances Control Interim Guidance for Sampling Agricultural Properties (2008).

If the sampling results indicate the presence of agrichemicals that exceed commercial screening levels, a removal action workplan shall be prepared in coordination with Yolo County Environmental Health Department. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection. A no further action letter will be issued by County Health for the proposed commercial development upon completion of the removal action. The removal action shall be deemed complete when the confirmation samples exhibit concentrations below the commercial screening levels, which will be established by the agencies.

If any stained soil or odor-impacted areas are encountered during the Phase I ESA, then soil sampling of these areas shall be included in the above soil sampling workplan, and depending upon the sampling results, included in the removal action workplan as well.

• I. HYDROLOGY AND WATER QUALITY

- 1. SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, OR CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED

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STORMWATER DRAINAGE SYSTEMS, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER THAT WOULD RESULT IN FLOODING ON- OR OFF-SITE (SEIR IMPACT 3-47).

- (a) Potential Impact. The potential for the project to substantially alter existing drainage patterns, contribute runoff water which would exceed the capacity of stormwater drainage systems, or create substantial surface runoff is discussed on pages 3-165 through 3-174 of the Draft SEIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-172). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Impacts related to substantial alteration of the existing drainage pattern were determined to be less-than-significant with mitigation for the MRIC Project. As the development footprint of the ARC Project would be reduced by approximately 25-acres as compared to the MRIC Project, the ARC Project would result in an approximately 12 percent decrease in disturbance area but an estimated 11 percent increase in imperviousness. Landscaping and agricultural buffers would be included, similar to the MRIC Project. The ARC Project's volume of runoff is anticipated to be similar to the Mixed-Use Alternative in the Certified MRIC EIR, and would have a greater volume of runoff as compared to the MRIC Project. The increased volume could be addressed by off-site replacement storage, a pump station, or some other acceptable engineering alternative, as approved by the City. In addition, the increased runoff volume resulting from Mace Triangle development would also need to be addressed, similar to ARC Project, by constructing off-site replacement storage, installing a pump station, or implementing another acceptable engineering solution.

Implementation of Mitigation Measures 3-47(a) through 3-47(c), which require the submittal of design-level drainage reports for approval by the City, would reduce a less-than-significant level any impacts associated with substantially altering the existing drainage pattern of the site or area, creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems, and substantially increasing the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Any remaining impacts related to runoff after the implementation of the mitigation measures would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

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3-47(a) *In conjunction with submittal of the first final planned development for the ARC Site, a design-level drainage report shall be submitted to the City of Davis Public Works Department for review and approval. The drainage report shall identify specific storm drainage design features to control the 100-year, 24-day increased runoff from the project site to ensure that the rate of runoff leaving the developed ARC Site does not exceed the original Mace Drainage Channel (MDC) design capacity of 260 cfs. This may be achieved through: on-site conveyance and detention facilities, off-site detention or retention facilities, channel modification, or equally effective measures to control the rate and volume of runoff.*

The design-level drainage report shall include off-site drainage facilities sufficient to detain and control the increased runoff volume when the flow from the MDC into the Yolo Bypass is blocked by high water levels in the Bypass. Preliminary estimates of increased runoff volumes are 78 acre-feet. The final amount of runoff volume to be detained would be determined with the design-level drainage report. This could result in detaining run-off volume for an extended time period. During this time period, additional large storms could occur; thus, the proposed detention storage facilities shall also be able to manage (detain with a controlled release) the 100-year, 24-hour storm event.

The design-level drainage report shall also include design for detaining and controlling the increased run-off volume from the Mace Triangle Site. Preliminary estimates of increased runoff volumes are as much as 7 acre-feet. The final amount of runoff volume to be detained would be determined with the design-level drainage report prepare for the ARC Site.

Design-level recommendations provided in the drainage report shall be included in the improvements plans prior to their approval by the Davis Public Works Department.

3-47(b) *Prior to approval of the Phase 1 improvement plans for the ARC Site, the Public Works Department shall ensure that the plans include the development of the Phase 2 MDC improvements. The Phase 2 improvements shall consist of removal of the two 24-inch corrugated metal pipes in order to provide a continuous channel between the Phase 1 and Phase 2 improvements.*

Mace Triangle

3-47(c) *In conjunction with submittal of each final planned development for the Mace Triangle Site, a design-level drainage report for the development shall be completed and submitted to the City of Davis Public Works Department for review and approval. The drainage report shall identify specific storm drainage design features to control the 100-year, 24-hour increased runoff from the project site. This may be achieved through: onsite conveyance and detention facilities, offsite*

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detention or retention facilities, channel modification, or equally effective measures to control the rate and volume of runoff.

The design-level drainage report shall include off-site drainage facilities sufficient to detain and control the increased run-off volume when the flow from the Mace Drainage Channel into the Yolo Bypass is blocked by high water levels in the Bypass. Preliminary estimates of increased runoff volumes for the Mace Triangle Site are as much as 7 acre-feet. The final amount of runoff volume to be detained for each proposed development would be determined with the design-level drainage report. This could result in detaining run-off volume for an extended time period. During this time period, additional large storms could occur; thus, the proposed detention storage facilities shall also be able to manage (detain with a controlled release) the 100-year, 24-hour storm event.

Design-level recommendations provided in the drainage report shall be included in the improvement plans prior to their approval by the Davis Public Works Department.

- 2. VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY THROUGH EROSION DURING CONSTRUCTION (SEIR IMPACT 3-48).
 - (a) Potential Impact. The potential for the project to violate any water quality standards or waste discharge requirements is discussed on pages 3-174 through 3-175 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-175). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Impacts related to violation of water quality standards during construction were determined to be less-than-significant with mitigation for the MRIC Project. Development of the Project would occur on the same site, excluding most of the 25-acre City-owned property. While the ARC Project would result in the potential to create or contribute additional sources of polluted runoff, violate water quality standards or waste discharge requirements, or otherwise degrade water quality during construction activities, impacts can be mitigated to less than significant levels, similar to the MRIC Project. Development at the ARC Site and possible future development at the Mace Triangle Site would be required by the State to obtain a Construction General Permit. Compliance with the Permit would require the applicant to file a Notice of Intent (NOI) with the SWRCB and prepare a SWPPP prior to construction, which would incorporate BMPs in order to prevent, or reduce to the greatest

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feasible extent, adverse impacts to water quality from erosion and sedimentation. Compliance with Mitigation Measure 3-48, which requires a SWPPP and implementation of BMPs during construction, would ensure that the projects' impacts to water quality during construction would be less than significant. Any remaining impacts related to water quality standards after the implementation of the mitigation measure would not be significant

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-48 Prior to initiation of any ground disturbing activities, the project applicant(s) for each discretionary development application shall prepare a Stormwater Pollution Prevention Plan (SWPPP), and implement Best Management Practices (BMPs) that comply with the General Construction Stormwater Permit from the Central Valley RWQCB, to reduce water quality effects during construction. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation. The SWPPP shall be kept on-site and implemented during construction activities and shall be made available upon request to representatives of the City of Davis and/or RWQCB.

• J. LAND USE AND URBAN DECAY

- 1. ECONOMIC AND SOCIAL CHANGE AND/OR EFFECT THAT RESULT IN URBAN DECAY (SEIR IMPACT 3-54).
 - (a) Potential Impact. The potential for the project to cause economic and social change that result in urban decay is discussed on pages 3-181 through 3-184 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-183). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Impacts related to urban decay were determined to be less-than-significant with mitigation for the MRIC Project. The ARC Project consists of buildout on the same site as the MRIC Project, excluding the 25-acre City-owned property, and would consist of 2,654,000 sf of R&D, manufacturing, ancillary retail, and hotel/conference uses, as well as 850 residential units. While time has passed since the Urban Decay analysis was performed for the MRIC by ALH Urban & Regional Economics, the original findings are generally conservative and

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reasonably anticipated to remain applicable. The office and industrial components of the ARC Project are not anticipated to cause adverse physical impacts leading to urban decay, despite the anticipated potential of some prolonged existing office and industrial base vacancies. In addition, the ARC Project's planned retail component would not cause or contribute to urban decay, as existing retailers are not anticipated to close as a result of the ARC Project. Implementation of Mitigation Measure 3-54(a) requires that, in conjunction with submittal of any final planned development for the ARC Project that includes ancillary retail uses, an analysis shall be submitted to the City, which shall demonstrate that the proposed ancillary retail development will not exceed the anticipated demand increase from new employees to ensure that the project's ancillary retail space would not lead to urban decay. With respect to the proposed hotel on the ARC Site, since the ALH analysis was prepared a new hotel has been constructed proximate to the project site, and the Downtown Davis Specific Plan includes the potential for an additional 150,000 sf of hotel space. While this is a change in circumstances, Mitigation Measure 3-54(b) prohibits the applicant from building the on-site hotel until the applicant demonstrates, to the City's satisfaction, that there is sufficient unmet demand from ARC Project employees and businesses and/or hotel demand from elsewhere within the Davis marketplace to support the hotel. This measure which would ensure that the project's hotel would not lead to urban decay. Any remaining impacts related to urban decay after the implementation of the mitigation measures would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-54(a) In conjunction with submittal of any final planned development for the ARC Project that includes ancillary retail uses, an analysis shall be submitted to the City of Davis Department of Community Development and Sustainability, which shall demonstrate that the proposed ancillary retail development will not exceed the anticipated demand increase from new employees. The demonstration to the City may be premised upon the number of employees (and/or residents) on-site, the commercial (and/or residential) square footage developed, or other factors relevant to the generation of on-site demand. If the analysis cannot demonstrate that the proposed amount of ancillary retail space will not outpace project-generated demand, then the ancillary retail uses shall be removed from the final planned development, or scaled back to be commensurate with the projected project-generated demand.

3-54(b) Prior to approval of the final planned development for the proposed hotel, the applicant shall demonstrate to the City's satisfaction that there is sufficient unmet demand from a combination of hotel demand from ARC Project employees and businesses and/or hotel demand from elsewhere within the Davis marketplace to support the hotel space for which the building permit is requested. The objective

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of this requirement is to ensure that the hotel developed within the ARC Project will not re-allocate demand from existing Davis hotels, but will instead help the City to provide new hotel offerings that will satisfy currently unmet demand.

Mace Triangle

None required.

● K. TRANSPORTATION AND CIRCULATION

- 1. IMPACTS ASSOCIATED WITH CONSTRUCTION VEHICLE TRAFFIC (SEIR IMPACT 3-74).
 - (a) Potential Impact. The potential for the project to result in impacts associated with construction vehicle traffic is discussed on pages 3-259 through 3-260 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-260). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Similar to the MRIC Project, construction of the ARC Project would generate trips by employees and a variety of construction-related vehicles, and would cause disruptions to the transportation network near the project site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. However, implementation of Mitigation Measure 3-74, which requires submittal of a Construction Traffic Control Plan, would ensure that construction activities associated with the ARC Project would result in a less-than-significant and temporary traffic impact. Any remaining impacts related to construction vehicle traffic after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-74 Prior to any construction activities for the ARC and Mace Triangle Sites, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Yolo County, Caltrans, Unitrans, Yolobus, and local emergency service providers for their input prior to approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway

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facilities are maintained during construction. At a minimum, the Plan shall include:

- *The number of truck trips, time, and day of street closures;*
- *Time of day of arrival and departure of trucks;*
- *Limitations on the size and type of trucks;*
- *Provision of a staging area with a limitation on the number of trucks that can be waiting;*
- *Provision of a truck arrival and departure plan that maintains acceptable peak hour roadway operations, in accordance with the relevant significance thresholds established in this Final SEIR;*
- *Provision of a truck circulation pattern that minimizes impacts to existing vehicle traffic during peak traffic flows and maintains safe bicycle circulation;*
- *Minimize use of CR 32A by construction truck traffic;*
- *Prior to certificate of occupancy or acceptance of any public improvement by the city, the developer shall resurface and/or repair any damage to roadways that occurs as a result of construction traffic;*
- *Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);*
- *Maintain safe and efficient access routes for emergency vehicles;*
- *Manual traffic control when necessary;*
- *Proper advance warning and posted signage concerning street closures; and*
- *Provisions for bicycle, pedestrian, and transit access and safety.*

A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.

• L. UTILITIES

- 1. WOULD THE PROJECT RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS (SEIR IMPACT 3-80).
 - (a) Potential Impact. The potential for the project to result in impacts to wastewater treatment capacity is discussed on pages 3-278 through 3-282 of the Draft SEIR.

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- (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-281). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Impacts related to wastewater treatment capacity were determined to be less-than-significant with mitigation for the MRIC Project. For the ARC Project, wastewater treatment would continue to be provided by the City's waste water treatment plan (WWTP). Based on the analysis completed by West Yost Associates for the Mixed-Use Alternative, adequate average dry weather flow (ADWF) capacity exists at the WWTP to accommodate the ARC Project at General Plan buildout conditions. Although the biochemical oxygen demand (BOD) loading capacity at the WWTP is also anticipated to be sufficient to accommodate the ARC Project and General Plan projects approved since 2015, the SEIR takes a conservative approach and requires compliance with Mitigation Measure 3-80(a) to ensure such is the case prior to approval of improvement plans for Phases 2 through 4 of the ARC Project. Implementation of Mitigation Measures 3-80(a) through 3-80(c) would ensure that impacts related to wastewater collection and treatment are reduced to a less-than-significant level. Any remaining impacts related to wastewater treatment capacity after the implementation of the mitigation measure would not be significant

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-80(a) Prior to approval of improvement plans for Phase 2 of development, and all subsequent phases, the applicant shall provide funding for the City to perform a WWTP analysis to identify the then-current City of Davis WWTP BOD loading capacity. If the WWTP analysis determines that adequate BOD loading capacity exists at the WWTP to serve the ARC Project phase under review, further action is not required for the phase under review. If the analysis finds that the WWTP BOD loading capacity is not sufficient to serve the particular development phase under review, that phase of development shall not be approved until a plan for financing and constructing additional BOD loading capacity improvements has been prepared and approved, the additional BOD loading capacity improvements have been constructed, and the City Engineer has verified that sufficient capacity exists to serve said phase.

3-80(b) The applicant shall provide for annual wet-weather monitoring of the existing off-site 42-inch or 21-inch sanitary sewer line, depending upon which off-site sewer alignment is chosen for the project, over the course of project buildout to confirm

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that there is capacity within the line to serve the ARC Project, in combination with existing and future projected General Plan buildout. If the wet weather monitoring fails to confirm capacity within the chosen existing sanitary sewer line, the applicant shall either upsize the existing sewer line, subject to reimbursement, or install a parallel line, subject to review and approval by the City Engineer.

- 3-80(c) *If the applicant pursues a connection to the existing 8-inch sewer line in Mace Boulevard to serve Phase 1 of the ARC Project, then prior to approval of Improvement Plans for Phase 1, the applicant shall prepare and submit to the Davis Public Works Department, a sewer study, which shall determine the available capacity in the 8-inch sewer pipe in Mace Boulevard. If the 8-inch line has adequate capacity for Phase 1 of the ARC Project, then no further mitigation is needed. If the sewer study determines that the 8-inch line does not have adequate capacity to serve Phase 1, then the applicant shall upsize the sewer pipe within Mace Boulevard, or pursue construction of the northerly or easterly off-site sewer pipe connection alternative. The design of the sewer pipe improvements shall be reviewed and approved by the City Engineer prior to approval of Phase 1 Improvement Plans.*

Mace Triangle

None required.

● M. CUMULATIVE IMPACTS

- 1. CUMULATIVE IMPACTS RELATED TO THE CREATION OF NEW SOURCES OF LIGHT OR GLARE ASSOCIATED WITH DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT IN THE CITY OF DAVIS (SEIR IMPACT 3-86).
 - (a) Potential Impact. The potential for the project to cumulatively contribute to new sources of light or glare is discussed on pages 3-286 through 3-288 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-288). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. With mitigation, cumulative impacts related to the creation of new sources of light or glare were found to be less than cumulatively considerable for the MRIC Project. Similarly, although the ARC Project's effects related to new sources of light and glare, in combination with related effects of other cumulative development, could be significant, the

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ARC Project's incremental contribution would be rendered less than cumulatively considerable through its compliance with City Code requirements and Mitigation Measure 3-86. Any remaining impacts related to cumulative light and glare after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-86 *Implement Mitigation Measure 3-3.*

- 2. CUMULATIVE LOSS OF HABITAT IN THE CITY OF DAVIS AREA FOR SPECIAL-STATUS SPECIES (SEIR IMPACT 3-89).
 - (a) Potential Impact. The potential for the project to contribute to the cumulative loss of habitat in the City of Davis for special-status species is discussed on pages 3-297 through 3-301 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-301). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Cumulative impacts related to habitat loss were determined to be cumulatively considerable and significant and unavoidable for the MRIC Project. However, at the time of the MRIC Project analysis, a regional conservation strategy for habitat protection was not in place. As discussed in the SEIR, the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) was completed in 2018 and implementation began in 2019. The Yolo HCP/NCCP provides coverage for impacts associated with development of the proposed ARC Site. In consideration of the beneficial effects of the Yolo HCP/NCCP, the conclusions of the Yolo HCP/NCCP EIS/EIR, and the ARC Project and Mace Triangle's compliance with the Yolo HCP/NCCP, as required by Mitigation Measure 3-89, the ARC Project's and Mace Triangle's incremental contribution to cumulative biological resources impacts would be less-than-cumulatively considerable. Any remaining impacts related to the cumulative loss of special-status species habitat after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

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3-89 *Implement Mitigation Measures 3-16, 3-17, 3-18, 3-19, 3-20(a-c), and 3-21.*

- 3. CUMULATIVE LOSS OF CULTURAL RESOURCES (SEIR IMPACT 3-91).
 - (a) Potential Impact. The potential for the project to result in the cumulative loss of cultural resources is discussed on page 3-302 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-302). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Cumulative impacts related to cultural resources were determined to be less-than-cumulatively considerable with mitigation for the MRIC Project. The area of high archeological sensitivity falls primarily within the 25-acre City-owned property, which would be excluded from development under the ARC Project. Nevertheless, the implementation of Mitigation Measures 3-91(a) and 3-91(b) requires site-specific protection consistent with the California Health and Safety Code and the California Public Resources Code in the event archaeological resources are found during construction. Mitigation Measures 3-91(a) and (b) will ensure that the ARC Project's incremental contribution towards the cumulative impact to cultural resources would be less than cumulatively considerable with implementation of mitigation. Any remaining impacts related to the cumulative loss of cultural resources after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

ARC Project

3-91(a) *Implement Mitigation Measures 3-28(a) and (b).*

ARC Project and Mace Triangle

3-91(b) *Implement Mitigation Measure 3-28(c).*
- 4. CUMULATIVE IMPACTS ASSOCIATED WITH INCREASES IN VOLUME RUNOFF AND EFFECTS TO ON- AND OFF-SITE FLOODING WITHIN THE CITY OF DAVIS PLANNING AREA (SEIR IMPACT 3-96).
 - (a) Potential Impact. The potential for the project to contribute to cumulative impacts associated with increases in runoff volume and flooding is discussed on page 3-307 of the Draft SEIR.

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- (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-307). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Cumulative impacts related to volume runoff and flooding were determined to be less-than cumulatively considerable with mitigation for the MRIC Project. Although the combined runoff effects of the ARC Project, along with other cumulative development in the watersheds draining to Willow Slough and the Yolo Bypass, would be considered significant, the ARC Project would be required to mitigate individual incremental increases in volume, so as to ensure that increases in ponding on off-site properties does not occur as a result of cumulative development. Similar to the MRIC Project, with implementation of Mitigation Measure 3-96, the ARC Project's incremental contribution to cumulative hydrology impacts would be considered less than cumulatively considerable. Any remaining cumulative hydrology impacts after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project and Mace Triangle

3-96 Implement Mitigation Measures 3-47(a) through 3-47(c).

- 5. CUMULATIVE URBAN DECAY (SEIR IMPACT 3-99).
 - (a) Potential Impact. The potential for the project to result in cumulative urban decay is discussed on pages 3-308 through 3-311 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-311). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Cumulative impacts related to urban decay were determined to be less-than-cumulatively considerable with mitigation for the MRIC Project. The cumulative analysis conducted for the Mixed-Use Alternative's office/industrial space, in combination with other similar cumulative development, determined that the Mixed-Use Alternative's incremental contribution to urban decay of these spaces would not be cumulatively considerable. With

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respect to the ARC Project, competition from other innovation centers within the region will not result in the project site being underutilized or allowed to languish. Rather, the project and the extension of on-site infrastructure would be phased to ensure that sufficient market demand exists prior to the development of each individual phase of the project. In addition, the proposed on-site uses are unlikely to result in a substantial number of vacancies in similar uses elsewhere in the City that could lead to physical environmental effects such as urban decay.

As discussed in the SEIR and Master Response to Comment #5, the ALH report concluded that, although the MRIC Project could result in some office and industrial vacancies within the City, the City's existing measures to prevent the onset of deterioration or decay would remain effective. Due to demand and constrained supply of office space, vacancies are unlikely to be prolonged. Moreover, existing office and industrial property owners are primarily major institutional or private real estate companies that would have the financial wherewithal to maintain their properties during vacancies. office and industrial uses. For the retail and hotel sectors, the project's incremental contribution to cumulative urban decay impacts on the retail and hotel sectors is not anticipated. However, in an effort to ensure sufficient cumulative demand exists for the ARC Project hotel and retail space, implementation of Mitigation Measure 3-99 would require the applicant to demonstrate that the project's incremental contribution to cumulative urban decay impacts would be considered less than cumulatively considerable, as part of a showing that there is unmet demand for the proposed retail or hotel use. Any remaining impacts related to cumulative urban decay after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

3-99 Implement Mitigation Measures 3-54(a) and 3-54(b).

Mace Triangle

None required.

- 6. CUMULATIVE WASTEWATER TREATMENT AND COLLECTION SYSTEM IMPACT (SEIR IMPACT 3-108).
 - (a) Potential Impact. The potential for the project to result in cumulatively considerable impacts to wastewater treatment and collection is discussed on pages 3-332 through 3-336 of the Draft SEIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft SEIR, pg. 3-335). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the SEIR. (State

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CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible. (c)Explanation. Cumulative impacts related to wastewater treatment were determined to be less-than cumulatively-considerable with mitigation for the MRIC Project. Based on flow considerations, the analysis in the SEIR demonstrates that the WWTP would have the capacity to accommodate flows from all future General Plan buildout development, plus the flows from approved/pending GPA project. However, based on BOD loading considerations, adequate WWTP capacity does not exist to fully accommodate the proposed cumulative projects not anticipated in the General Plan. The WWTP would have the capacity to accommodate flows from all future General Plan buildout development, plus the flows from approved/pending General Plan Amendment (GPA) projects. However, based on BOD loading considerations, adequate WWTP capacity does not exist to fully accommodate the proposed cumulative projects not anticipated in the General Plan. Implementation of Mitigation Measures 3-108 would ensure that the ARC Project's wastewater effects, in combination with related effects from cumulative development, would result in a less than cumulatively considerable impact to the City's wastewater system. Any remaining cumulative impacts wastewater treatment and collection after the implementation of the mitigation measure would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

ARC Project

3-108 Implement Mitigation Measures 3-80(a) through (c).

Mace Triangle

None Required.

- **V. FINDINGS REGARDING THOSE ENVIRONMENTAL EFFECTS WHICH ARE FOUND TO HAVE NO IMPACT OR IMPACTS THAT ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE**

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the SEIR.

Aesthetics and Visual Resources: The following specific impact was found to be less-than-significant in the Draft SEIR: 3-1.

Agricultural and Forest Resources: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-6 and 3-9.

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Air Quality: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-12, 3-13, and 3-14.

Biological Resources: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-22, 3-23, 3-24, and 3-25.

Cultural Resources: The following impact was found to be less than significant in the Draft SEIR: 3-31.

Geology, Soils, and Mineral Resources: The following impacts were found to be less-than-significant in the Draft SEIR: 3-32 and 3-36.

Greenhouse Gas Emissions and Energy: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-39 and 3-41.

Hazards and Hazardous Materials: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-42, 3-44, 3-45, and 3-46.

Hydrology and Water Quality: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-49, 3-50, 3-51, and 3-52.

Land Use and Urban Decay: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-53 and 3-55.

Noise and Vibration: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-56, 3-57, 3-58, 3-60, and 3-61. Impact 3-59 was found to have no impact.

Population and Housing: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-62 and 3-63.

Public Services and Recreation: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-64, 3-65, 3-66, 3-67, 3-68, 3-69.

Transportation and Circulation: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-73 and 3-77.

Utilities: The following specific impacts were found to be less-than-significant in the Draft SEIR: 3-78, 3-79, 3-81, 3-82, 3-83, and 3-84.

Specific cumulative impacts within the following categories of environmental effects were found to be less than significant or less than cumulatively considerable as set forth in more detail in the Draft SEIR.

Cumulative Impacts: The following specific impacts were found to be less than cumulatively considerable: 3-90, 3-92, 3-94, 3-95, 3-97, 3-98, 3-100, 3-101, 3-103, 3-107, and 3-109.

Each of the above impacts are less than significant or less than cumulatively considerable for one or more of the following reasons:

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The SEIR determined that the impact is less than significant for the project.

The SEIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact.

The SEIR determined that the impact is beneficial (would be reduced) for the project.

The SEIR determined that the cumulative impact was fully addressed in the General Plan EIR and that the project would not result in new or expanded cumulative impacts.

- **VI. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Pursuant to Section 15126.2(d) of the CEQA Guidelines, an EIR must identify any significant irreversible environmental outcomes that could result from the implementation of a proposed project. These may include current or future uses of nonrenewable resources. CEQA requires that irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified. The project's significant irreversible environmental changes are addressed in Section 6.3 of Chapter 6, Statutorily Required Sections, of the Certified MRIC EIR, and in Section 2.7 of Chapter 2 of the Draft SEIR. The Significant Irreversible Environmental Changes addressed in Section 6.3 of the Certified EIR remain applicable to the ARC Project with respect to use of nonrenewable resources and irretrievable commitments of nonrenewable resources.

As discussed in the Certified MRIC EIR, for the purposes of the EIR analysis, the required evaluation of this topic is addressed from three perspectives:

1. Use of nonrenewable resources that would commit future generations;
2. Irreversible damage from environmental accidents; and
3. Irretrievable commitments of nonrenewable resources to justify current consumption.

Each of the perspectives was discussed in the Certified MRIC EIR as provided below:

- **1. USE OF NONRENEWABLE RESOURCES THAT WOULD COMMIT FUTURE GENERATIONS**

Conversion of agricultural land to urban uses would be considered use of nonrenewable resources. The projected build out for the proposed project is approximately 2040, or 20 years, which will result in a commitment of future generations to an urban use for the 229-acre project site. The project site is planned for agricultural use in the City of Davis General Plan and Yolo County General Plan. As such, the project includes a request for a General Plan Amendment to redesignate the site for innovation center uses.

- **2. IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS**

The proposed project would not involve uses in which irreversible damage could result from potential environmental accidents. For the proposed project, such accidents would be primarily associated with release of, or exposure to, hazardous materials. As discussed in Section 4.8,

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Hazards and Hazardous Materials, of the Certified MRIC EIR, and Impacts 3-42 and 3-43 of the Draft SEIR, there is a limited potential for hazardous materials to be released into the environment during construction and operation of the proposed project. All such potential risks can be mitigated to a less-than-significant level through implementation of mitigation measures set forth in this EIR.

- 3 IRRETRIEVABLE COMMITMENTS OF NONRENEWABLE RESOURCES

Construction of the proposed project would involve consumption of building materials and energy, some of which are nonrenewable or locally limited natural resources (e.g., fossil fuels). Nonrenewable resources used for the proposed project could no longer be used for other purposes. Consumption of building materials and energy is associated with any development in the region, and these commitments of resources are not unique or unusual to the proposed project. The main resource consumption of proposed project would be of energy, fuel, and wood and metal building materials that would be used for construction of the buildings. As discussed in Section 4.7, Greenhouse Gas Emissions and Energy, of the Certified MRIC EIR, and Impacts 3-39 and 3-40 of the Draft SEIR, development would not be expected to involve an unusual commitment of these resources, nor would it be expected to consume any of these resources in a wasteful manner.

- VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(e) requires an EIR to evaluate the potential growth-inducing impacts of a proposed project. Specifically, an EIR must discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth can be induced in a number of ways, including the elimination of obstacles to growth, or by encouraging and/or facilitating other activities that could induce growth. Examples of projects likely to have growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or office complexes in areas that are currently only sparsely developed or are undeveloped.

The ARC Project would meet its housing need within the City by providing up to 850 residential, workforce units (see Impact 3-62 of the Draft SEIR for additional discussion). As a result, the fair share of ARC employee housing demand within the City of Davis would be met on-site rather than the surrounding SACOG region. In addition, the ARC Project would provide secondary environmental benefits associated with on-site residential opportunities, such as reduced VMT on regional roadways, as well as potentially reducing the amount of regional residential development needed to support the employees generated from the ARC Project. Overall, impacts related to population growth as a result of the ARC Project would be less than significant.

● VIII. FINDINGS REGARDING ENERGY CONSUMPTION

In order to ensure energy implications are considered in project decisions, Public Resources Code Section 21100(b)(3) and CEQA Guidelines Appendix F require a discussion of the potential energy impacts of project, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Pursuant to Public Resources Code Section 21100(b)(3) and CEQA Guidelines Appendix F, the Draft SEIR addressed energy impacts in Chapter 3, Aggie Research Campus Analysis, specifically under Impacts 3-39, 3-40, and 3-41 beginning on page 3-147 of the Draft SEIR.

Appendix F identifies several potential sources of energy conservation impacts, which are listed as follows and discussed in detail in the Draft SEIR:

- The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal.
- The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the project on peak and base period demands for electricity and other forms of energy.
- The degree to which the project complies with existing energy standards.
- The effects of the project on energy resources.
- The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As discussed in the Draft SEIR, construction of the proposed project would result in a short-term increase in energy consumption, and operations of the proposed project would involve an increase in energy consumption. However, the proposed project would comply with all applicable standards and regulations regarding energy conservation and fuel efficiency, which would ensure that the future uses would be designed to be energy efficient to the maximum extent practicable. In addition, implementation of Mitigation Measure 3-40 would require submittal and implementation of an Energy Management Plan should any non-residential buildings include data centers, to further reduce impacts to energy consumption. Accordingly, the proposed project would not be considered to result in a wasteful, inefficient, or unnecessary usage of energy, and impacts related to operational energy would be considered less than significant. The City finds that the analysis within the Draft SEIR is consistent with and meets the requirements of Appendix F of the State CEQA Guidelines regarding energy conservation.

● IX. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

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

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether project alternatives can

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address potentially significant impacts. Where all significant impacts can be substantially lessened, particularly to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed project, as mitigated (Public Resources Code Section 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 730-733; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403).

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the project alternatives as compared to the proposed project.

As explained below, these findings describe and reject, for reasons documented in the SEIR and summarized below, each one of the project alternatives, and the City finds that approval and implementation of the proposed Aggie Research Campus Project is appropriate. The evidence supporting these findings is presented in Chapter 7.0 of the MRIC Draft EIR and Chapter 2 of the ARC Draft SEIR.

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• A. IDENTIFICATION OF PROJECT OBJECTIVES

As described above, an EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” Chapter 3.0 of the Draft SEIR identifies the project’s goals and objectives. The project objectives include:

1. Expediently provide a suitable space in which to retain existing local businesses, and to attract and grow innovative high-value added, technology-oriented companies.
2. Provide an integrated, high-quality campus-like environment offering a variety of commercial lot sizes that will respond to the current and future needs of technology start-ups, industry leaders, research and development, and products manufacturing firms; allowing for a full range of research to market uses.
3. Develop a strategic mix of residential unit types and sizes on-site, including affordable housing, as required by City Ordinance, introduced in phases to coincide with the creation of jobs.
4. Provide sufficient land to meet the demand in Davis for innovation centers over a 25-year time horizon.
5. Utilize land immediately adjacent to the City boundary with adequate and easily-extended infrastructure, including but not limited to fiber optics and the roll-out of 5G providing high-speed internet capable of serving technology-sector needs.
6. Develop a critical mass of users at a given location sufficient to render economically feasible the delivery of infrastructure necessary for development to occur.
7. Contribute to both job creation and tax base enhancement while supporting the University of California, Davis as a research institution.
8. Utilize a site with existing access to I-80 for the convenience and benefit of employees, collaborators, suppliers, and goods movement.
9. Support and build upon the City of Davis’s existing successes by offering a logical extension to the 2nd Street technology corridor.
10. Develop an aesthetically pleasing site plan and architectural building design that incorporates energy and water efficiency, provides for non-automotive forms of transit, and is situated to receive and utilize recycled water when available.
11. Create a viable retail component, including hotel and conference center, which will primarily serve the needs of the innovation center, increase retail-related employment opportunities and contribute to tax revenue generation.
12. Encourage recreation and non-automotive modes of transportation by creating trail connections and improvements that enhance and encourage pedestrian/bicycle circulation and connectivity between the ARC Site and surrounding areas.
13. Preserve and protect agriculture through the planning and development of property which will result in a distinct permanent urban edge.
14. Provide a business-oriented site design with a complementary mix of land uses that will encourage user interaction, collaboration, and the exchange of ideas, thereby serving as a catalyst to rapidly achieve economic growth.
15. Reflect the feedback captured through the Innovation Park Task Force’s planning, research and outreach, and incorporate as many of the consensus concepts as are feasible.

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City Objectives for Innovation Centers

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

1. Land and Building Supply

- a. Position City to capture greater share of local/regional business growth. (Studio 30 report, Sect. 3 pgs. 15-20)
 - *Most remaining small, dispersed sites in the City are not adequate to meet needs of growing businesses and mid-sized companies. The Innovation Centers studied by Studio 30 for the Davis Innovation Center Report averaged around 200 acres in size and offer a variety of parcel sizes and ownership opportunities, flexible use/size of space and lease terms; and physical and virtual business support services allowing successful businesses to remain as they grow.*
- b. Provide expansion capability for the City suitable in location and size for larger innovation centers with potential to accommodate commercial and research facilities. (Studio 30 & RFEI)
- c. Maintain a steady supply of developable land for future business development to meet needs of growing businesses and accommodate medium-scale and large scale (~150 employees) businesses over a long-term 20+/- year period. (BPLS)
 - *A 200-acre innovation center supporting several million sf of development could accommodate such business growth over a long-term 20+/- year period (Studio 30 and RFEI).*
- d. Provide a mix of building types, sizes and heights meeting needs of new startups and growing mid-sized companies, including potential for headquarter buildings. (RFEI)
- e. Increase the supply of flexible business space. (Studio 30)
- f. Take into account the specific needs of any identified or targeted tenants.

2. Density

Due to the relative scarcity of developable land in Davis, an innovation center should focus on guidelines to maximize density to accommodate long-term business growth while taking into account the specific needs of identified tenants within the specific project where applicable. The review process must be cautious to not impose unilateral requirements solely for the sake of achieving "density", without consideration of other objectives.

- a. Maximize density to accommodate long-term business growth offering flexible space (scalability) and viable range of space options.
- b. Goal of at least 0.5 floor area ratio (FAR).
- c. Pursue opportunities for densification over time (i.e. parking structures and new buildings).

3. Sustainability

- a. Apply Low Impact Development Principles.
- b. Ensure minimal GHG impacts at the project level.

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- c. Allow flexibility and adaptation over the project lifespan and as new building techniques and energy production technologies emerge, explore opportunities to bolster the goals of the Climate Adaptation & Action Plan. (CAAP)
 - d. Comply with the minimum City requirement of the CalGreen Tier 1 energy code for buildings.
 - e. Mitigate with agricultural land on a 2 to 1 acre basis.
 - f. Budgetary impacts of any proposed City maintenance areas will be carefully evaluated in the fiscal analysis.
 - g. Utilize energy and resource efficient design, materials, operations and infrastructure.
 - h. Integrate open space and habitat opportunities.
 - i. Maximize the use of trees and native landscaping.
4. Transportation
- a. Establish bicycle/pedestrian connectivity.
 - b. Develop partnerships with the City, UC Davis Unitrans, Yolo County Transit and Amtrak.
 - c. Create a comprehensive multi-modal system and transportation plan with safe, dynamic, well-planned automobile, bicycle, pedestrian, mass transit and emergency vehicle access connections.
5. Work Environment
- a. Provide facilities and services that support innovation. (Studio 30)
 - i. Provide a built environment and operations offering the ability to draw a critical mass of innovators and creative synergy enabling opportunities for ongoing formal and informal interdisciplinary connections.
 - ii. Provide a flexible range of desired work environments, small co-working, incubator/accelerator spaces, specialized maker-spaces, meeting/conference rooms, research and development, manufacturing facilities, larger companies and corporate headquarters.
 - iii. Include elements of "work, live, play" that encourage an engaged and inviting workplace, including ancillary amenities and activities that serve employees such as mixed use, cafés, coffee shop, restaurant, copy shop, recreation, fitness center, child care (as a few examples). (Studio 30)
 - iv. Provide shared business support services and "cutting edge" business center amenities (teleconferencing etc.) including broadband fiber connectivity.
 - v. Provide design elements that include dual use spaces, and shared facilities such as recreation, meeting, and gathering spaces (like amphitheater seating) that serve business needs during the weekdays and community needs during the evening and weekends.
 - b. Accommodate a range of lease and ownership options reflecting an array of formal and informal work styles and settings.
 - c. Use building designs incorporating LEED standards for healthy work environments (daylight, fresh air, good indoor air quality).
6. Uses
- a. Support research and development; manufacturing facilities, larger companies and corporate headquarters.

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- b. Focus largely on expansion needs of research and technology development and creation of research, technology and advanced manufacturing jobs, and revenue generating uses.
 - c. Provide a mix of professional office, high-tech, R&D, industrial flex space, grow labs, commercial services.
 - d. Provide some ancillary project-serving retail and services.
 - e. Target hotel/conference spaces to serve the business needs of the innovation center over time.
 - f. Allow warehouse uses auxiliary only to research and manufacturing.
 - g. Discourage distribution centers, call centers or large-scale food processing plants.
 - h. Minimize and carefully manage heavy truck deliveries.
7. Timing and Project Phasing
- a. Demonstrate sufficient resources to ensure completion of the project.
 - b. Phasing should meet with anticipated market demand for space and be adaptable to respond to changing market conditions over time.
 - c. Building density, project phasing, and total job creation must consider community growth and CEQA mitigations.
 - d. Phasing needs to be responsive to actual and potential tenants.
8. Fiscal Consideration and Net Community Benefit
- a. Achieve fiscal neutrality with regard to City services.
 - b. Provide substantial surplus annual revenue.
 - c. Provide positive economic impacts/multipliers citywide, and net community benefits (including social and environmental).
9. Partnerships
- a. Facilitate technology and business development.
 - b. Facilitate collaborative partnerships.
 - c. Provide opportunities for increased university and research engagement.
 - d. Increase access to STEAM (science, technology, engineering, arts and agriculture, and math) and educational opportunities.

Mace Triangle Site Objectives

1. Avoid becoming an unincorporated island.
2. Avoid becoming an agricultural island.
3. Create opportunity to expand existing agricultural retail business.
4. Complement existing and future urban uses.
5. Allow for efficient master planning of infrastructure and services.

• B. ALTERNATIVES CONSIDERED BUT DISMISSED

Consistent with CEQA, primary consideration was given to alternatives that could reduce significant impacts, while still meeting most of the basic project objectives.

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As stated in Guidelines Section 15126.6(c), among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are:

- Failure to meet most of the basic project objectives;
- Infeasibility; or
- Inability to avoid significant environmental impacts.

Guidelines Section 15126.6(f)(1) further explains that the factors that may be taken into account when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

One alternative was considered but dismissed from detailed analysis in the EIR. The alternative is discussed below, along with the reason(s) for dismissal.

Infill Alternative

The Infill Alternative was dismissed from further analysis in the Final MRIC EIR based on infeasibility. This alternative would not fulfill the objectives of the applicant or the City. As noted on pages 7-16 through 7-19 of Chapter 7, Alternatives Analysis, of the Final MRIC EIR, adequate vacant land designated and zoned appropriately for the project and owned, or available for acquisition, by the project applicant does not exist to develop the proposed project. While a meaningful amount of vacant land may be zoned for development within the City of Davis, the collection of acres, spread over numerous non-contiguous sites that are controlled by multiple different owners, does not represent a viable alternative to a master planned innovation center, such as the ARC.

On January 8, 2019, the City Council received a report on undeveloped property in the City of Davis in the context of potential economic development opportunities. The inventory, at that time, included 27 parcels, totaling 124.51 acres of vacant, privately held commercially-zoned land within the City limits. This inventory does not account for City-owned properties or potential commercially viable property(ies) outside the City limits, nor does it attempt to identify those properties which may be commercially-zoned and developed within the City limits but that are underutilized and pose potential redevelopment opportunities (such as the much discussed PG&E corporation yard site, for example). As shown in the map attached to that report, the largest single parcel totals 27.48 acres and is adjacent to the Sutter Davis Hospital. The largest group of contiguous parcels is along 2nd Street, with five parcels totaling 27.57 acres.

As shown in Figure 3-2 of the ARC Draft SEIR, just the research and development and manufacturing uses encompass approximately 101.9 acres of the 194-acre development site. The vacant 27-acre sites would only be able to accommodate about 26 percent of the proposed project square footage. The lack of large, contiguous parcels of land would not provide sufficient flexibility for an “infill” alternative to

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accommodate businesses that need a large space initially, or prefer to have access to adjacent property for future growth. This is supported by the Business Park Land Strategy prepared by the City of Davis in 2010, even though at that time, a total of 44 vacant sites within city limits were identified as suitable for business growth, with a total acreage of 227.9 acres. As mentioned above, this number has been substantially reduced to 27 sites, comprising approximately 125 acres. Yet, even assuming the number of sites available in 2010, the City’s Business Park Land Strategy (BPLS) determined that only eight of the 44 sites could be considered “High Quality.” Out of these eight High Quality sites, four are no longer available due to development since 2010, including The Cannery, DMG Mori-Seiki, and a 1.6-acre site along 2nd Street. Furthermore, an additional High Quality site is the location of the University Research Park project site, a proposed project which is anticipated to be brought before the Davis decision-makers within the next month. High Quality, or “Class A” sites, as they are referred to in the BPLS, have the following characteristics:

“Class A” Sites:

Category	Typical Characteristics
<i>Site Characteristics</i>	Size: Medium (4-15 acres), Large (15 – 50 acres), or Very Large (>50 acres) Shape: Shape & depth definitely does not affect development potential Expandability: One or more adjacent vacant parcels for site assemblage and/or future business expansion
<i>Location/ Access</i>	Easy freeway access, on major arterial (or equivalent), high visibility
<i>Surrounding Uses</i>	Surrounding uses either are or are likely to be similar or compatible
<i>Strengths/Challenges</i>	Other site strengths/challenges contributing to “Class A” designation

Source: BPLS, Technical Report, Table 31, 2010.

The remaining three High Quality sites comprise only 44.2 acres. While this does not include the PG&E Corp Yard, and said site was identified as a “Business Park Opportunity Site” in the BPLS, the site was not formally included in the vacant land inventory assessed in the BPLS. The BPLS Technical Report notes that the PG&E site presents significant development challenges and is subject to community land use priorities.⁸ According to the BPLS Technical Report Appendix Chapter 6, the PG&E site (Site 45) is 25.8 acres with a “high” development potential of approximately 260,000 square feet, substantially less than that of the proposed ARC Project. Even if the PG&E site were to be combined with the three remaining High Quality sites identified in the BPLS, the total “high” development potential would be 828,716 sf, representing only approximately 31 percent of the ARC Project’s non-residential square footage.

It is important to note that a large portion of the ARC Site itself was identified as a “Potential External Business Park Location”.⁹ Furthermore, the ARC site would appear to meet the characteristics of High Quality/Class A sites in the BPLS, as follows. The site is considered “very large”; has easy freeway access,

⁸ City of Davis. *Business Park Land Strategy Technical Report* [pg. 117]. October 27, 2010.

⁹ City of Davis, *Business Park Land Strategy Technical Report* [Figure 10, pg. 120]. October 27, 2010.

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is located on a major arterial, and has high visibility given its proximity to the Mace Boulevard/I-80 Interchange; and surrounding uses are likely to be compatible, considering the project's conceptual design and mitigation measures included in the ARC SEIR.

Research shows that innovation centers are most successful when they provide a range of spaces that address the diverse needs of a variety of tenants in terms of age, size, and industry sector. While existing infill parcels may provide space for some small tenants, the parcels would not adequately satisfy the needs of larger tenants. This is supported by the Economic Evaluation of Innovation Park Proposal, prepared by BAE Urban Economics, which states in reference to the City's vacant land inventory:¹⁰

In addition, the remaining sites are relatively small in size and would likely not be suitable to accommodate larger developments that would be capable of supporting effective regional (i.e., at least covering Northern California) business recruitment campaigns and to accommodate relocation of larger companies, or smaller companies that are planning for substantial growth in the future and therefore desire expansion space.

In addition, dispersed infill development poses strong challenges to the financing of specialized facilities such as wetlabs and clean rooms, which are necessary for large companies and small startups that typically lease portions of a larger specialized facility. In addition, infill development would lack the support services that can be provided through the centralized management of a true, concentrated innovation center, such as incubator facilities, networking breakfasts, and workshops. Therefore, the Infill Alternative was determined infeasible and dismissed from consideration.

• C. ALTERNATIVES ANALYSIS IN EIR

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR considered six alternatives to the proposed project. The potential alternatives were screened against a set of criteria. The criteria addressed two primary topics: the ability of the alternative to meet the project objectives and purpose, and the feasibility and reasonableness of the alternative. The six alternatives were analyzed in Chapter 7 of the Certified MRIC EIR and Chapter 2 of the ARC Draft SEIR, and consist of the following:

1. No Project (No Build) Alternative;
2. Reduced Site Size Alternative;
3. Reduced Project Alternative;
4. Off-Site Alternative A (Davis Innovation Center Site);
5. Off-Site Alternative B (Covell Property); and
6. Mixed-Use Alternative.

It is important to note that the applicant team has chosen to bring forward a mixed-use project that is substantially similar to the Mixed-Use Alternative evaluated in the Certified MRIC EIR at an equal-weight to the MRIC Project. The currently proposed Aggie Research Campus is in substantial conformance with the Mixed-Use Alternative version evaluated in the Certified MRIC EIR. Relatively minor differences are

¹⁰ BAE Urban Economics. *City of Davis Economic Evaluation of Innovation Park Proposals*. July 9, 2015, pg. 7.

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described on pages 1-2 to 1-3 of the Draft SEIR, as follows (note: the below excerpt also reflects minor revisions to this section in Chapter 3 of the Final SEIR).

Development Footprint

The ARC Project removes the City-owned 25-acre parcel from the proposed development area. The property would still be included in the proposed annexation limits, but the City's Agriculture zone designation would be applied to the parcel, rather than the previously proposed Planned Development zoning. Due to the exclusion of the 25-acre City-owned property from the proposed development footprint, the ARC Project would involve a slightly reduced development area. It is important to note, however, that the applicant proposes to establish a 6.8-acre easement on this property to satisfy the City's 150-foot Agricultural Buffer requirements along a portion of the project's northern boundary.⁹

In addition to having the same number of residential workforce units, the ARC Project would include the same amount of non-residential square footage as the Mixed-Use Alternative: 1,510,000 sf of research, office and R&D uses, 884,000 sf of manufacturing and research uses, 100,000 sf of ancillary retail, and 160,000 sf of hotel/conference space. Due to rearrangement of the aforementioned land uses within the ARC Site, the overall floor-to-area ratio (FAR) would increase slightly, from 0.82 to 0.93.

Parking

The Mixed-Use Alternative included 6,032 on-site parking spaces, whereas the ARC Project includes 5,858 parking spaces, a reduction of 174 parking spaces. While the applicant's original submittal materials for the ARC Project identified a parking total of 4,340 on-site spaces, during the environmental review process, the number of on-site parking spaces was increased, upon recommendation of the traffic consultant, to be consistent with the parking demand estimate calculated for the project using the Institute of Transportation Engineers Parking Generation Manual.

Green Space

The Mixed-Use Alternative would have incorporated several privately maintained parks and open space areas throughout the site, totaling approximately 75.8 acres of green space. In comparison, the ARC Project would incorporate several privately maintained parks and open space areas throughout the site, totaling approximately 49.2 acres of green space. While this is a reduction of 26.6 acres, it is partially offset by the removal of 18.2-acres of the City's 25-acre property from the development footprint, with the remaining 6.8 acres of the City's 25-acre property being used for agricultural buffer areas. That the methodology for calculating this reduced green space requirement is consistent with the City's methodology for calculating park/green space acreage requirements, will be demonstrated in Chapter 3 of this SEIR (see Impact 3-67).

Circulation

The ARC Project roadway alignment is still a modified grid with two access points onto CR 32A, two full access points onto Mace Boulevard at Alhambra Drive and CR 30B, and a third right-in and right-out onto Mace Boulevard.

As part of ARC Project, the right-in and right-out onto Mace Boulevard has been moved approximately 500 feet further north in response to prior traffic engineering comments.

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In addition, the internal east/west roadways have been shortened in length and now end at the vertical extension of the eastern north/south roadway. This is an overall reduction in project roadways.

Though not a physical change in the proposed project circulation system, it is important to note that the Certified MRIC EIR assumed that on average, one MRIC employee would reside within each MRIC dwelling unit. This analysis does not establish any explicit association between ARC Project dwelling units and ARC Project employees, and instead relies upon empirical data in the traffic consultant's model (i.e., trip generation data collected at other mixed-use project sites) to estimate the degree to which on-site residential and commercial uses at the ARC Project would internalize travel.

Phasing

The phasing plan has been modified to more clearly tie the construction of housing to the creation of jobs. The phasing now permits the construction of one (1) housing unit for every 2,000 sf of jobs-creating space until the maximum 850 units are built. The modified phasing allows housing to be built in phases 1, 2 and 3 of ARC. In the MRIC Mixed-Use Alternative, housing was only in phases 2, 3, and 4. However, no housing can be constructed until 200,000 sf of non-residential uses are built. Thereafter, building permits for housing may be sought at the ratio of 1 unit/2,000 sf to ensure that housing is and continues to be supportive of the jobs created.

Despite these minor modifications, the ARC Project is in substantial conformance with the Mixed-Use Alternative. The ARC Project meets the Project Objectives described in IX(A) above, and based on impacts identified in the EIR, and the other reasons documented below, the City Council finds that the ARC Project, as approved, is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein. Because the Mixed Use Alternative from the Certified MRIC EIR is, for all practical purposes, the same as the proposed Project, a comparison between the two would not be meaningful, and there is no reason to consider the Mixed Use Alternative any further.

A summary of each alternative considered in the SEIR, its relative characteristics, and documentation of the City Council's findings in support of rejecting the alternative as infeasible is provided below.

Based on impacts identified in the EIR, and other reasons documented below, the City Council finds that the Aggie Research Campus Project, as approved, is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein. A summary of each alternative, its relative characteristics, and documentation of the City Council's findings in support of rejecting the alternative as infeasible are provided below.

• D. GENERAL FINDINGS FOR PROJECT ALTERNATIVES

The City Council finds that the range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the proposed project. The City Council finds that the alternatives analysis is

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sufficient to inform the Council, other agencies, and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the corresponding degree to which the alternatives would hinder achievement of the project objectives and/or be infeasible.

The City Council is free to reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various “economic, social, and other factors.” Based on impacts identified in the EIR, and other reasons documented below, the City Council finds that approval of the Aggie Research Campus Project is the most desirable, feasible, and appropriate alternative, and rejects other alternatives and other combinations and/or variations of alternatives as infeasible.

• E. FINDINGS FOR REJECTION OF ALTERNATIVES

• 1. NO PROJECT (NO BUILD) ALTERNATIVE:

The No Project (No Build) Alternative is defined in this section as the on-going utilization of the 212-acre MRIC Site for agricultural operations, consistent with the site’s Yolo County zoning designation of Agricultural Intensive (A-N). Similarly, the approximately 16.49-acre Mace Triangle is assumed to continue in existing uses.

The current operations on the MRIC Site involve the generation of vehicle trips, use of tractors and other heavy-duty, off-road diesel equipment, water trucks, and a well diesel pump for irrigation water. The site is designated and zoned by Yolo County for agricultural uses; thus, the site would continue in its agricultural condition under the No Project (No Build) Alternative. For the No Project (No Build) Alternative, however, changes to the type of crop grown on the project site could occur at any time. In addition, various accessory structures are allowed within the A-N zone, including barns and storage sheds, grain elevators and silos, farm offices, greenhouses (up to 100,000 sf), other accessory agricultural support structures, and single family residences (minimum lot size of 80 acres). An “allowed use”, such as an accessory structure, does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions, such as Building, Environmental Health, and Public Works.

- (a) Findings: The No Project (No Build) Alternative is rejected as an alternative because it would not realize any of the project benefits nor achieve any of the objectives identified by either the applicant and the City.
- (b) Explanation: It is anticipated that all of the significant and unavoidable impacts identified for the proposed project would be avoided under the No Project (No Build) Alternative. However, the No Project (No Build) Alternative would still have the potential to result in adverse effects to the physical environment due to ongoing agricultural operations and related site disturbance (e.g., biological resources, temporary increases in noise). Further, the No Project (No Build) Alternative would not achieve any of the project objectives. Among other things, the City of Davis has identified the need to provide expansion capability for the City suitable in location and size for larger innovation centers with potential to accommodate commercial and research facilities (see Objective 1b). The No Project (No Build) Alternative would not result in development of the site and, thus, would not provide available land for larger innovation centers.

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For these reasons, the project is deemed superior to the No Project (No Build) Alternative. The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting the No Project (No Build) Alternative as infeasible and by itself, independent of any other reason, would justify rejection of the No Project (No Build) Alternative.

- 2. REDUCED SITE SIZE ALTERNATIVE:

The Reduced Site Size Alternative assumes the same non-residential buildout square footage as the proposed project, but on a smaller site over a smaller footprint. Specifically, the Reduced Site Size Alternative would involve development of up to 2,654,000 square feet (sf) on the southern 106-acre portion of the proposed ARC Site, located north of County Road (CR) 32A and east of Mace Boulevard. The 16.49-acre Mace Triangle site is also included as part of the Reduced Site Size Alternative in order to avoid the creation of a County “island” property. Thus, the Reduced Site Size Alternative site would contain a total of approximately 122.58 acres. The same development assumptions described for the Mace Triangle in the Project Description chapter of this EIR would apply for the Reduced Site Size Alternative.

Due to the reduced amount of development area for the Reduced Site Size Alternative, the five-acre “Oval” and the greenways on the ARC site are not included in the Reduced Size Alternative. The total open space area for the Reduced Site Size Alternative, including the courtyard plazas and the required 150-foot agricultural buffer, would be 27 acres, as compared to 49.2 acres under the proposed project. Access points to the Reduced Site Size Alternative would be similar to those proposed for the project (i.e., two access points along Mace Boulevard, and two southerly access points along CR 32A).

The research and development (R&D) buildings would have a maximum height of 65 feet and contain three to four stories. In addition, the manufacturing/research buildings would have a maximum height of 45 feet and would contain one to two stories, similar to the proposed project. The proposed hotel building would have a maximum height of 75 feet, whereas ARC proposes a maximum height of 85 feet.

- (a) Findings: The Reduced Site Size Alternative is rejected principally because it would not avoid the significant and unavoidable impacts identified for the proposed project. The Reduced Site Size Alternative would also inhibit the ability of the City to meet the objectives related to providing expansion capability for larger innovation centers and maintaining a steady supply of developable land for future medium- and large-scale business growth over a 20-year period (City Objectives 1b and 1c). In addition, the Reduced Size Alternative would not meet the applicant’s primary objective of developing a strategic mix of residential unit types on-site.
- (b) Explanation: While the Reduced Site Size Alternative would reduce the magnitude of certain significant and unavoidable impacts identified for the ARC Project, it would not reduce them to levels of insignificance. For example, while the magnitude of aesthetic changes (i.e., substantial degradation of existing visual character or quality of the site and its surroundings) would be reduced approximately by half, the changes in visual character and quality of the southerly 106 acres due to development of the alternative would still be considered significant and unavoidable. Similarly, while the magnitude of farmland conversion would be

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reduced approximately by half, the permanent conversion of 106 acres of farmland to urban uses as a result of this alternative, would still be considered significant and unavoidable.

Exclusion of on-site residential units, while reducing the overall trips generated by the project, and thus the relative intensity of traffic and air quality impact, could be expected to increase VMT. Page 2-10 of the Draft SEIR provides a discussion of the potential detrimental local and regional VMT effects of eliminating the proposed residential component of the ARC Project. It is a widely held land use and transportation planning principle that co-locating complementary land uses, including residential and employment uses, reduces travel distances between uses, increases the potential for transit, walk, and bike travel, and supports public health and active lifestyle objectives. Moreover, co-locating complementary land uses reduces vehicle miles traveled (VMT) compared to environments where land uses are more geographically dispersed, since these environments require longer travel distances and are more likely to experience travel by private vehicles. Thus, the elimination of the ARC Project residential component would decrease the local and regional housing supply, limiting housing opportunities near work not just for ARC Project employees, but also employees within the City of Davis, UC Davis, and the greater Sacramento region. Referring to the example provided on page 2-10 of the Draft SEIR, a hypothetical employee in the City of Davis who lives in Sacramento would generate higher commute VMT at both a local and regional level than that same employee if they were to live at the ARC Project instead.

As also discussed above, the reduced site size associated with this alternative would introduce constraints that would be counter to key project objectives, identified by both the applicant and the City. As discussed on page 3-27 of the Draft SEIR, the City's past research efforts have identified the need for a large site around 200 acres to capitalize on the need for a variety of parcel sizes, flexible use/size of space, and future expansion opportunities. The smaller site size would make it difficult to achieve a sufficient long-term land supply for the full range of projected uses including those that require larger building footprints. The smaller site would increase the intensity of development over the site which could result in design challenges and may be too dense to attract some desirable R&D users. The ability to attract medium-scale and large-scale users would be affected by the small footprint and there would be less flexibility in the user space to address the specific needs of some tenants as a result. In addition, the alternative does not include a strategic mix of residential unit types on-site to coincide with the creation of on-site employment opportunities.

For these reasons, the project is deemed superior to the Reduced Site Size Alternative. The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting the Reduced Site Size Alternative as infeasible and by itself, independent of any other reason, would justify rejection of the Reduced Site Size Alternative.

- 3. REDUCED PROJECT ALTERNATIVE

The Reduced Project Alternative is defined as development of about one quarter of the ARC site with about one fifth of the proposed square footage, and no change to the Mace Triangle component. This

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Alternative assumes buildout of only the western half (approximately 49.5 acres) of the 106-acre parcel described above for the Reduced Site Size Alternative. The rest of this parcel, or approximately 56 acres, would remain as agricultural land. A maximum of 540,000 square feet of development is assumed for the Reduced Project Alternative, which would include 400,000 square feet of research/manufacturing space, and 140,000 square feet of research and development/office use, which may incorporate ground floor ancillary retail of up to 40,000 square feet.

Two access points would be provided for the Reduced Project Alternative: 1) a new intersection leg heading east at Mace Boulevard and Alhambra Boulevard; and 2) a new southern access point, which would connect to County Road 32A, east of the existing Park-and-Ride lot driveway. The southern access would be the principal point of entry for transport vehicles and goods movement traffic. Total open space for the Reduced Project Alternative, including the required 150-foot agricultural buffer, would be approximately 17 acres.

The Reduced Project Alternative is essentially equivalent to Phase 1 of the MRIC, which was evaluated in the Certified MRIC EIR. The Reduced Project Alternative includes the same square footage and land uses as MRIC Phase 1, with the only difference being the layout of the proposed buildings. Unlike the Certified MRIC EIR, the Draft SEIR does not evaluate a distinct Phase 1, as the entitlements being requested by the applicant have been changed from program/project-level to program-level entitlements only.

- (a) Findings: The Reduced Project Alternative is rejected primarily because it fails to achieve the fundamental objectives of the City and the applicant to develop an integrated innovation center campus of approximately 200 acres in size, with sufficient land to meet demand over a 20- to 25-year period. In addition, while several of the ARC Project's physical environmental impacts would be reduced in magnitude, many would be expected to remain significant and unavoidable under this alternative.
- (b) Explanation: The substantially reduced site size associated with the Reduced Project Alternative would introduce constraints that would be counter to key project objectives, identified by both the applicant and the City. As discussed on page 3-27 of the Draft SEIR, the City's past research efforts have identified the need for a large site around 200 acres to capitalize on the need for a variety of parcel sizes, flexible use/size of space, and future expansion opportunities. As a result, this 49.5-acre alternative would not result in a critical mass of users of various sizes sufficient to allow for a full range of research and market uses. It is also unlikely to support the necessary infrastructure and amenities to meet the City's sustainability, transportation, work environment, and fiscal/community benefit objectives. Moreover, the City would be unlikely to capture a greater share of local and regional business growth with such a small site.

Exclusion of on-site residential units, while reducing the overall trips generated by the project, and thus the relative intensity of traffic and air quality impact, could be expected to increase VMT. Page 2-10 of the Draft SEIR provides a discussion of the potential detrimental local and regional VMT effects of eliminating the proposed residential component of the ARC Project. It is a widely held land use and transportation planning principle that co-locating

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complementary land uses, including residential and employment uses, reduces travel distances between uses, increases the potential for transit, walk, and bike travel, and supports public health and active lifestyle objectives. Moreover, co-locating complementary land uses reduces vehicle miles traveled (VMT) compared to environments where land uses are more geographically dispersed, since these environments require longer travel distances and are more likely to experience travel by private vehicles. Thus, the elimination of the ARC Project residential component would decrease the local and regional housing supply, limiting housing opportunities near work not just for ARC Project employees, but also employees within the City of Davis, UC Davis, and the greater Sacramento region. Referring to the example provided on page 2-10 of the Draft SEIR, a hypothetical employee in the City of Davis who lives in Sacramento would generate higher commute VMT at both a local and regional level than that same employee if they were to live at the ARC Project instead.

The Reduced Project Alternative would reduce the magnitude of certain significant and unavoidable impacts identified for the ARC Project; however, the majority of significant and unavoidable impacts would be anticipated to remain significant and unavoidable. For example, while the magnitude of aesthetic changes (i.e., substantial degradation of existing visual character or quality of the site and its surroundings) would be reduced approximately by half, the changes in visual character and quality of the southerly 106 acres due to development of the alternative would still be considered significant and unavoidable. Similarly, while the magnitude of farmland conversion would be reduced approximately by half, the permanent conversion of 106 acres of farmland to urban uses as a result of this alternative, would still be considered significant and unavoidable.

The financial feasibility of the Reduced Project Alternative is also unlikely based upon infrastructure costs estimated by EPS for conceptual Phase 1 of the ARC project, which is roughly equivalent to the Reduced Project Alternative. According to EPS, the infrastructure cost estimated for Phase 1 of the ARC is approximately \$19 million.¹¹ Unlike the ARC Project, the Reduced Project Alternative does not include additional residential and non-residential development to help off-set these relatively large upfront costs.

- FOR THESE REASONS, THE PROJECT IS DEEMED SUPERIOR TO THE REDUCED PROJECT ALTERNATIVE. THE CITY COUNCIL HEREBY FINDS THAT EACH OF THE REASONS SET FORTH ABOVE WOULD BE AN INDEPENDENT GROUND FOR REJECTING THE REDUCED PROJECT ALTERNATIVE AS INFEASIBLE AND BY ITSELF, INDEPENDENT OF ANY OTHER REASON, WOULD JUSTIFY REJECTION OF THE REDUCED PROJECT ALTERNATIVE.4. OFF-SITE ALTERNATIVE A (DAVIS INNOVATION CENTER SITE):

As discussed on page 2-3 of the Draft SEIR, changes in circumstances have occurred since the preparation of the alternatives analysis with respect to Off-Site Alternative A (Davis Innovation Center Site). This off-

¹¹ EPS. *Aggie Research Campus Economic Analysis – Pro Forma (Feasibility), Fiscal Impacts, and Economic Impacts*. April 17, 2020.

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site alternative assumed development of the MRIC Project on the 207-acre Davis Innovation Center (IC) site. However, the West Davis Active Adult project has since been approved on the southerly 74 acres of the Davis IC site. Thus, this off-site alternative would need to be shifted to the northerly 133 acres, which would mean that it would become either a reduced project alternative, or an intensified alternative similar to the Reduced Site Size Alternative with the same amount of development for the MRIC Project would be located on smaller site acreage. It is assumed for purposes of the comparative discussion in the Draft SEIR, that Off-Site Alternative A would become another “reduced site size” alternative.

Buildout per Off-Site Alternative A (Davis Innovation Center site) would assume development of the same proposed non-residential ARC square footage at an alternative site, which in this case is the 133-acre northern portion of the former “Davis Innovation Center (Davis IC)” site, located immediately west of the City of Davis city limits in Yolo County, approximately 2.5 miles west of downtown Davis. Regional access to the Davis IC site is provided by the State Route 113/Covell Boulevard interchange, located southeast of the Davis IC site. The northern portion of the Davis IC site, similar to the proposed project site, is currently used for agricultural purposes and is located near other existing development (to the east and south) and other agricultural uses (to the west and north).

- (a) Findings: Off-Site Alternative A (Davis Innovation Center site) is rejected principally because it would not be expected to avoid the significant and unavoidable impacts identified for the proposed project, and in some cases, could increase impacts to the physical environment. For example, Off-Site Alternative A would be expected to result in greater impacts as compared to the project, particularly in the areas of biological resources, flooding and hydrology, and noise. While this alternative would meet many of the objectives of the proposed project, the property is not controlled by, nor available to the applicant, and would not meet their objective related to proximity to I-80 and logical extension of the 2nd Street corridor, where existing technology businesses are located.
- (b) Explanation: CEQA Guidelines Section 15126.6(f)(1) indicates that an agency can consider whether the project proponent can reasonably acquire, control, or otherwise obtain access to the alternative site when determining feasibility. The project applicant does not reasonably control or have access to the northern portion of the former Davis Innovation Center site. Perhaps more importantly, however, development of an equivalent amount of non-residential uses on this off-site location would not be anticipated to avoid or substantially lessen any of the significant effects of the ARC project. Unlike the ARC site, the Off-Site Alternative A location is bordered immediately to the north by an established residential community. During the EIR scoping process for the former Davis Innovation Center project, this residential community expressed substantial concerns regarding the development of a proposed innovation center project immediately to the south of their community.

For these reasons, the project is deemed superior to the Off-Site Alternative A (Davis Innovation Center site). The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting the Off-Site Alternative A as infeasible and by itself, independent of any other reason, would justify rejection of the Off-Site Alternative A.

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- 5. OFF-SITE ALTERNATIVE B (COVELL PROPERTY):

Off-Site Alternative B (Covell Property) would assume development of the same non-residential ARC square footage at an alternative site, which in this case is the Covell Property south of drainage Channel A (APN: 035-970-033). Generally, the property is north of East Covell Boulevard, east of the Cannery Project, west of Pole Line Road, and south of the City's old landfill site.

The Off-Site Alternative B (Covell Property) acreage totals approximately 236 acres. Access to Off-Site Alternative B (Covell Property) would be provided along Covell Boulevard and Pole Line Road. The Covell Property site has one residence and associated outbuildings. The site has historically been and is currently used for agricultural purposes (row crops), and is surrounded by the City limits and urban uses on three sides, and agriculture on the north side.

- (a) Findings: Off-Site Alternative B (Covell Property) is rejected principally because it would not be expected to avoid the significant and unavoidable impacts identified for the proposed project, and in some cases, could increase impacts to the physical environment. For example, Off-Site Alternative B would be expected to result in greater impacts as compared to the project, particularly in the areas of agricultural resources, biological resources, flooding, and noise. While this alternative would meet many of the objectives of the proposed project, the property is not controlled by, nor available to the applicant, and would not meet their objective related to proximity to I-80 and logical extension of the 2nd Street corridor, where existing technology businesses are located.
- (b) Explanation: CEQA Guidelines Section 15126.6(f)(1) indicates that an agency can consider whether the project proponent can reasonably acquire, control, or otherwise obtain access to the alternative site when determining feasibility. The project applicant does not reasonably control or have access to the northern portion of the Covell Property. Perhaps more importantly, however, development of an equivalent amount of non-residential uses on this off-site location would not be anticipated to avoid or substantially lessen any of the significant effects of the ARC project. In addition, certain environmental impacts may increase. For example, previous biological surveys at the Covell property determined that valley foothill riparian vegetation occurs along Channel A, which is included along the northern border of this Alternative. Former surveys also identified brittlescale and San Joaquin Saltbush within the seasonal wetlands south of Channel A.

Unlike the ARC site, the Off-Site Alternative B location is bordered immediately to the west by the Cannery Project, a new, primarily residential community. In addition, east of the Covell Property, across Pole Line Road, are located established residential neighborhoods. This results in greater potential for incompatibilities with surrounding uses (e.g., increases in traffic noise), as compared to the ARC site.

For these reasons, the project is deemed superior to the Off-Site Alternative B (Covell Property). The City Council hereby finds that each of the reasons set forth above would be an

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independent ground for rejecting the Off-Site Alternative B as infeasible and by itself, independent of any other reason, would justify rejection of the Off-Site Alternative B.

- **E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

Section 15126(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states, “If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” CEQA does not require the City to choose the environmentally superior alternative.

Generally, the environmentally superior alternative is the one that would result in the fewest environmental impacts as a result of project implementation. However, it should be noted that the environmental considerations are one portion of the factors that must be considered. Other factors of importance include urban design, economics, social factors, and fiscal considerations. In addition, the superior alternative would, ideally, still provide opportunities to achieve the project objectives.

As discussed in Chapter 3 of the Draft SEIR, the environmentally superior alternative is the Reduced Project Alternative. This alternative would result in less impact as compared to the ARC Project given its substantially reduced scale. However, the substantially reduced site size would introduce constraints that would be counter to key project objectives identified by both the City and the applicant. As discussed on page 3-27 of the Draft SEIR, the City’s past research efforts have identified the need for a large site around 200 acres to capitalize on the need for a variety of parcel sizes, flexible use/size of space, and future expansion opportunities to meet demand over a 20- to 25-year period. This 49.5-acre alternative would not result in a critical mass of users of various sizes sufficient to allow for a full range of research and market uses. It is also unlikely to support the necessary infrastructure and amenities to meet the City’s sustainability, transportation, work environment, and fiscal/community benefit objectives. Moreover, the City would be unlikely to capture a greater share of local and regional business growth with such a small site. Although the Reduced Project Alternative would reduce the magnitude of certain significant and unavoidable impacts identified for the ARC Project, the majority of significant and unavoidable impacts would continue to remain significant and unavoidable, as discussed in Subsection E.2 above. For these reasons, the proposed project is deemed superior to the Reduced Project Alternative. As noted above, CEQA does not require the City to choose the environmentally superior alternative.

- **X. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE AGGIE RESEARCH PARK PROJECT FINDINGS**

As described in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the project:

- Project implementation may substantially degrade the existing visual character or quality of the project site and its surroundings (SEIR Impact 3-2).

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- Project implementation may result in a significant impact related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmlands) to non-agricultural use, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (SEIR Impact 3-5).
- Project implementation may result in a significant impact related to the loss of forest or agricultural land or conversion of forest or agricultural land to non-forest or non-agricultural use (SEIR Impact 3-7).
- Project implementation may violate an air quality standard or contribute substantially to an existing or projected air quality violation during operations, and a conflict with or obstruction of implementation of applicable air quality plans (SEIR Impact 3-11).
- Project implementation may generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (SEIR Impact 3-37).
- Project implementation may conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (SEIR Impact 3-38).
- Project implementation may conflict with a program, plan ordinance, or policy addressing the circulation system under Existing Plus Project conditions (SEIR Impact 3-70).
- Project implementation may result in significant impacts to Local Neighborhood Street Traffic (SEIR Impact 3-71).
- Project implementation may result in a significant increase in Vehicle Miles Traveled (SEIR Impact 3-72).
- Project implementation may result in significant impacts to Pedestrian and Bicycle Facilities (SEIR Impact 3-75).
- Project implementation may result in significant impacts to Transit Services (SEIR Impact 3-76).
- Project implementation may result in significant cumulative impacts related to long-term changes in visual character of the region (SEIR Impact 3-85).
- Project implementation may result in significant impacts related to cumulative loss of agricultural land (SEIR Impact 3-87).
- Project implementation may result in a cumulatively considerable net increase of any criteria pollutant (SEIR Impact 3-88).
- Project implementation may result in significant cumulative impacts related to greenhouse gas (GHG) emissions and global climate change (SEIR Impact 3-93).

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- Project implementation may result in significant cumulative impacts to fire protection services from the proposed project in combination with future developments in the City of Davis (SEIR Impact 3-102).
- Project implementation may conflict with a program, plan, ordinance or policy addressing the circulation system under Cumulative Plus Project conditions (SEIR Impact 3-104).
- Project implementation may result in a significant cumulative Increase in Vehicle Miles Traveled (SEIR Impact 3-105).
- Project implementation may result in significant cumulative impacts to pedestrian, bicycle, and transit facilities (SEIR Impact 3-106).

The following reasons demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effect, thereby justifying approval of the proposed project. There is substantial evidence that these public benefits outweigh the significant impact of the project and therefore is acceptable to the City of Davis. The project will provide for the following benefits:

1. Economic benefits through tax revenues and project fees;
2. Create jobs through construction of the proposed project;
3. Provide additional housing in the City of Davis; and
4. Increase the economic potential of the University of California and create long-term jobs.

With respect to Item 1, the Aggie Research Campus Economic Analysis compared the estimated tax revenue to be generated by the proposed project to the estimated cost of providing public services to the project. The proposed project would generate tax revenues through property tax, transfer tax, sales and use tax, transient occupancy tax, and public safety tax. Other revenue sources would be generated through City permitting, construction tax, and development impact fees, as well as the School Impact Fee and County Facilities and Services Authorization Fee. According to the Aggie Research Campus Economic Analysis, the proposed project would have a net fiscal surplus to the City's General Fund at the completion of each phase, growing from approximately \$1 million annually at completion of Phase 1 to more than \$5 million annually at full buildout.

It is noted that while several of the above-identified significant and unavoidable impacts are related to traffic, due primarily to the fact that they are extraterritorial impacts (i.e., outside of the City's jurisdiction), the SEIR requires the applicant to provide fair share contributions to the prospective improvements (e.g., see Mitigation Measure 3-70(a)), which would result in a substantial infusion of monies towards the needed improvements.

With regard to Item 2, the proposed project would create construction jobs. Considering the nature and size of the proposed project, a significant amount of construction workers would be needed in construction of the proposed project. Annual average direct construction-related employment during development of the proposed project is estimated to be approximately 150 jobs. Similar to the economic benefits discussed above, the annual average total direct, indirect, and induced employment due to

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construction of the project is estimated at more than 200 jobs, with compensation of approximately \$400 million. Additionally, if building materials are purchased in the area, additional stimulation of the local economy and businesses would occur.

Regarding Item 3, the demand for housing in Davis is well documented. Buildout of the residences would be tied to completion of the commercial space, assumed to be 2,000 sf of commercial space per residential unit. Residential units would be built during the first three phases of construction to address the urgent need for housing and to improve the project's financial feasibility. The proposed residences would have a strong impact on the overall feasibility of the proposed project, particularly in the earlier phases. Later phases could leverage the stronger returns from the residences in the earlier phases. The proposed project would contribute an additional 850 residential units to increase the supply and variety of housing options available for students, employees, and university-related personnel.

With respect to Item 4, the overall development of the project would increase the economic potential of the University of California. A technical memorandum that analyzed the economic benefits of the proposed project was prepared by Economic & Planning Solutions, Inc.¹² The Aggie Research Campus Economic Analysis measured the overall effect that an initial activity, such as spending in one industry, has on a region as the spending recirculates through other sectors of the local economy through additional business and household spending. Economic impacts can be measured in terms of overall output, employment, or the earning from employment. According to the Aggie Research Campus Economic Analysis, the proposed project would generate more than 5,000 jobs, with employee compensation of nearly \$500 million. The City would experience some economic spinoff of that direct employment, but a much greater spinoff and associated economic benefits would occur in other parts of Yolo County. Total County employment, including on-site employment and indirect and induced employment, would be approximately 9,000 jobs annually at buildout, with compensation between \$600 and \$700 million.

Substantial evidence supporting the benefits described in this Statement of Overriding Considerations can be found above and in the documents found in the record of proceedings. Any one of the reasons provided above is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental impacts, thereby each separately and individually justifying approval of the project. Based on the above, in consideration of the above-noted project benefits, despite the significant environmental effects, the City Council, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the project because, in its judgment, the economic, social, and other benefits that the project will produce will render the significant effects acceptable.

● XI. CONCLUSION

¹² Economic & Planning Solutions, Inc. *Subject: Aggie Research Campus Economic Analysis – Pro Forma (Feasibility), Fiscal Impacts, and Economic Impacts; EPS #192109.* April 17, 2020.

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After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above, which outweigh the unavoidable, adverse impacts of the proposed project.

The Davis City Council has considered information contained in the SEIR prepared for the proposed Aggie Research Campus Project, as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant and unavoidable impacts may result from implementation of the proposed project, the Council finds that the benefits of the project and overriding considerations outweigh the adverse effects of the project. Having included all feasible mitigation measures in the Mitigation Monitoring and Reporting Program, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed Aggie Research Campus Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed project and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed Aggie Research Campus Project.

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

1. All significant effects on the environment due to implementation of the proposed Aggie Research Campus Project have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed Aggie Research Campus Project which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

• XII. LIST OF ACRONYMS AND ABBREVIATIONS

The following is a list of the acronyms and abbreviations used in this document:

•	A	
APE		Area of Potential Effect
APN		Assessor's Parcel Number
ARC		Aggie Research Campus
AVR		Average Vehicle Ridership
	•	B
BOD		Biological Oxygen Demand
BMPs		Best Management Practices
BSA		Biological Study Area
	•	
	•	C
CAAP		Climate Action and Adaptation Plan
CARB		California Air Resources Board
CBSC		California Building Standards Code
CDFW		California Department of Fish and Wildlife
CEQA		California Environmental Quality Act
City		City of Davis
Council		City Council
CR		County Road
	•	
	•	D
dB		Decibel
	•	
	•	E
EIR		Environmental Impact Report
ESA		Environmentally Sensitive Area
ESA		Environmental Site Assessment
	•	
	•	F
Findings		Findings of Fact
	•	
	•	G
GHG		Greenhouse Gas
GGS		Giant Garter Snake

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	•	H	
HABS			Historic American Buildings Survey
HCP/NCCP			Habitat Conservation Plan/Natural Community Conservation Plan
	•	L	
LESA			Land Evaluation and Site Assessment
LOS			Level of Service
	•	M	
MBTA			Migratory Bird Treaty Act
MDC			Mace Drainage Channel
MOA			Master Owner’s Association
MRIC			Mace Ranch Innovation Center
MTCO _{2e}			Metric tons of carbon dioxide equivalents
	•	N	
NAHC			Native American Heritage Commission
NOA			Notice of Availability
NOI			Notice of Intent
NOP			Notice of Preparation
NO _x			Oxides of Nitrogen
NPDES			National Pollutant Discharge Elimination System
	•	P	
PERP			Portable Equipment Registration Program
Proposed project			Aggie Research Campus Project
PTO			Permit to Operate
	•	R	
ROG			Reactive Organic Gas
RSL			Regional Screening Levels
RWQCB			Regional Water Quality Control Board
	•	S	
SAA			Streambed Alteration Agreement
SACOG			Sacramento Area Council of Governments
SB			Senate Bill
SCH			State Clearinghouse
SEIR			Subsequent Environmental Impact Report
sf			Square Feet

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SMAQMD		Sacramento Metropolitan Air Quality Management District
SOI		Sphere of Influence
SWPPP		Stormwater Pollution Prevention Plan
SWRCB		State Water Resources Control Board
	•	T
TDM		Transportation Demand Management
	•	U
USFWS		United States Fish and Wildlife Service
	•	V
VELB		Valley Elderberry Longhorn Beetle
VMT		Vehicle Miles Traveled
VOC		Volatile Organic Compounds
	•	W
WWTP		Wastewater Treatment Plant
	•	
	•	Y
YHC		Yolo Habitat Conservancy
YSAQMD		Yolo Solano Air Quality Management District

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